

**OCCUPATIONAL SAFETY  
AND HEALTH STANDARDS BOARD**

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NOTICE OF PROPOSED MODIFICATIONS TO  
THE CALIFORNIA CODE OF REGULATIONS, TITLE 8, DIVISION 1, CHAPTER 4, SUBCHAPTER  
6, ELEVATOR SAFETY ORDERS, SECTIONS 3000, 3001, 3009, 3094.2, 3120.6, AND 3137; AND  
NEW SECTIONS 3140, 3141, 3141.1 THROUGH 3141.13, 3142, 3142.1, 3142.2, 3143, 3144, 3145,  
AND 3146

**REVISIONS TO THE ELEVATOR SAFETY ORDERS**

Pursuant to Government Code Section 11346.8(c), the Occupational Safety and Health Standards Board gives notice of the opportunity to submit written comments on the above-named regulations in which modifications are being considered as a result of public comments.

On April 19, 2007, the Occupational Safety and Health Standards Board held a Public Hearing to consider revisions to Title 8, Elevator Safety Orders, Sections 3000, 3001, 3009, 3094.2, 3120.6, and 3137; and New Sections 3140, 3141, 3141.1 through 3141.13, 3142, 3142.1, 3142.2, 3143, 3144, 3145, and 3146. The Standards Board received oral and written comments on the proposed revisions. The regulations have been modified as a result of these comments.

A copy of the full text of the regulations as originally proposed, and a copy of the text with the modifications clearly indicated, are attached for your information. In addition, a summary of all oral and written comments regarding the original proposal and staff responses is included. Any written comments on these modifications must be received by 5:00 p.m. on January 14, 2008 at the Occupational Safety and Health Standards Board's Office, 2520 Venture Oaks Way, Suite 350, Sacramento, California 95833. The regulations will be scheduled for adoption at a future Business Meeting of the Occupational Safety and Health Standards Board.

The Occupational Safety and Health Standards Board's rulemaking file on the proposed action is open to public inspection Monday through Friday, from 8:00 a.m. to 5:00 p.m. at the Standards Board's Office, 2520 Venture Oaks Way, Suite 350, Sacramento, California.

Inquires concerning the proposed modifications may be directed to the Executive Officer, Marley Hart at (916) 274-5721.

OCCUPATIONAL SAFETY AND HEALTH  
STANDARDS BOARD

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Marley Hart, Executive Officer

Date: December 24, 2007

## Regulations as Originally Proposed

**STANDARDS PRESENTATION  
TO  
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

Attachment No. 1

Page 1 of 20

PROPOSED STATE STANDARD,  
TITLE 8, CHAPTER 4

Amend Subchapter 6 to read:

Subchapter 6. Elevator Safety Orders

Amend Group I to read:

Group I. Administrative Regulations

Group I regulations apply to existing ~~and new~~ elevator installations covered in Group II and Group III regulations, and to new conveyances covered in Group IV regulations.

Article 1. Application

Amend Section 3000 as follows:

§3000. Application.

\* \* \* \* \*

(c) Devices Included. The devices covered by the regulations of the Elevator Safety Orders are included under the term “elevator” as used in the Labor Code. These orders apply to the following:

(1) ~~Existing p~~Power-cable driven passenger and freight elevators covered by regulations of ~~a~~Articles 7, and 8, ~~and new power-cable driven passenger and freight elevators covered by regulations of articles 20, and 21.~~

(2) ~~Existing h~~Hydraulic passenger and freight elevators covered by regulations of ~~a~~Articles 9 and ~~new hydraulic passenger and freight elevators covered by regulations of article 22.~~

(3) ~~Existing p~~Power and hand sidewalk elevators covered by regulations of ~~a~~Articles 10 and ~~new power sidewalk elevators covered by regulations of article 23.~~

(4) ~~Existing h~~Hand passenger and freight elevators covered by regulations of ~~a~~Articles 11 and ~~new hand elevators covered by regulations of article 24.~~

(5) ~~Existing p~~Power and hand dumbwaiters covered by regulations of ~~a~~Articles 12 and ~~new power and hand dumbwaiters covered by regulations of article 25.~~

(6) ~~Existing m~~Material lifts and dumbwaiters with automatic transfer devices covered by regulations of ~~a~~Articles 12.1 and ~~new material lifts and dumbwaiters with automatic transfer devices covered by regulations of article 31.~~

(7) ~~Existing i~~Inclined elevators covered by regulations of ~~a~~Articles 12.2 and ~~new inclined elevators covered by regulations of article 34.~~

(8) ~~Existing e~~Escalators covered by regulations of ~~a~~Articles 13 and ~~new escalators covered by regulations of article 26.~~

**STANDARDS PRESENTATION**  
**TO**  
**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

Attachment No. 1

Page 2 of 20

PROPOSED STATE STANDARD,  
TITLE 8, CHAPTER 4

- (9) ~~Existing m~~Moving walks covered by regulations of ~~a~~Articles 14 and ~~new moving walks covered by regulations of article~~ 27.
- (10) ~~New and existing h~~Hand power man platforms covered by regulations of ~~a~~Article 16.
- (11) ~~New and existing m~~Manlifts covered by regulations of ~~a~~Article 17.
- (12) ~~Existing s~~Screw-driven passenger and freight elevators covered by the regulations of ~~a~~Articles 12.6 and ~~new screw column elevators covered by regulations of article~~ 35.
- (13) ~~New and existing v~~Vertical or inclined reciprocating conveyors covered by regulations of ~~a~~Article 12.5.
- (14) ~~Existing s~~Special access lifts covered by regulations of ~~a~~Articles 15 and ~~new special access lifts covered by regulations of article~~ 36.
- (15) Special-purpose personnel elevators covered by regulations of Article 12.3 and special-purpose elevators covered by regulations of Article 32.  
(Title 24, Part 7, Section 3000(e))

\* \* \* \* \*

- (f) New Group III Installations. ~~New installations are d~~Devices listed as ~~new devices~~ in section 3000(c) that are:
- (1) Erected from plans or contracts completed, and for which the notice of intention to install is filed with the Division, on or after October 25, 1998, but before [       \*       ] ~~these regulations become effective.~~
- (2) ~~Existing i~~Installations that which have been operating previous to October 25, 1998 adoption of these regulations without the required inspection or permit to operate.
- (3) ~~Existing d~~Devices that which are moved to a new location on or after October 25, 1998, but before [       \*       ] ~~these regulations become effective.~~
- NOTE: Regulations for new Group III installations are ~~contained~~ in Group III.  
(Title 24, Part 7, Section 7-3000(f))
- (g) Existing Group II Installations. ~~Existing installations are d~~Devices listed as ~~existing devices~~ in section 3000(c) that are:
- (1) Devices which have been inspected by the Division and to which a serial number has been assigned.

[ \* OAL to insert the effective date of the standard.]

**STANDARDS PRESENTATION**  
**TO**  
**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

Attachment No. 1

Page 3 of 20

PROPOSED STATE STANDARD,  
TITLE 8, CHAPTER 4

(2) Devices for which erection was begun before October 25, 1998 ~~these regulations became effective~~ and for which the notice of intent to install is not required.

(3) Devices erected from plans or contracts completed, and for which the notice of intent to install is filed with the Division, before October 25, 1998 ~~these regulations became effective~~.

NOTE: Regulations for ~~existing~~ Group II installations are ~~contained~~ in Group II.

~~(Title 24, Part 7, Section 7-3000(g))~~

(h) Alterations, Repairs, Replacements, and Maintenance of Devices.

(1) Alterations, repairs, replacements, and maintenance of devices as listed in section 3000(c) shall comply with Part XII of ASME A17.1-1996; except for Rule 1200.1, Rule 1206.10, section 1214, section 1215, section 1216, and section 1217; which is hereby incorporated by reference.

(2) Alterations made after [ \* ] on Group II and Group III devices listed in section 3000(c) shall comply with the applicable provisions of section 3141.2 in Group IV.

~~(Title 24, Part 7, Section 7-3000(h))~~

Article 2. Permit to Operate

Amend Section 3001 to read:

§3001. Permit to Operate.

(a) Submittal of Plans and Notification of Intent to Install.

\* \* \* \* \*

(8) The person or firm installing a static control shall provide the Division with information showing that the control complies with the requirements of Group II, sections 3040(f)(4) and 3040(f)(7). This information shall be in the form of either:

(A) Electrical schematic diagrams or block diagrams of the control and safety circuits; or

(B) A written checkout procedure and demonstration of safety and speed control circuits required by sections 3040(f)(4) and 3040(f)(7) at the time of the inspection.

EXCEPTION TO SECTION 3001(a)(8): Installation of static control for Group IV installations shall comply with Group IV, section 3141.3.

~~(Title 24, Part 7, Section 7-3001(a))~~

[ \* OAL to insert the effective date of the standard.]

**STANDARDS PRESENTATION  
TO  
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

Attachment No. 1

Page 4 of 20

**PROPOSED STATE STANDARD,  
TITLE 8, CHAPTER 4**

**(b) Inspections Required.**

(1) Each new device shall be inspected by an authorized representative of the Division and a permit to operate issued before the device is placed in service.

(2) Each alteration of an existing ~~device passenger or freight elevator~~ shall be inspected by an authorized representative of the Division and a new permit to operate issued before the elevator is placed back in service.

EXCEPTION: After the inspection of a new device or an alteration, the device may be placed in service while the permit to operate is being processed, provided, in the opinion of the inspecting representative of the Division, the device is safe to operate.

\* \* \* \* \*

(5) Elevators in a multiunit residential building serving no more than two dwelling units and not accessible to the public shall be inspected by the Division upon completion of installation prior to being placed in service, or after alterations prior to being returned to service. The inspection shall be for safety and compliance with applicable provisions in ANSI/ASME A17.1-1984, ~~p~~Parts V and XXI, which are hereby incorporated by reference. Elevators installed after Sept. 28, 2001, shall be inspected for safety and compliance with applicable provisions in either ASME A17.1-1996, Part 5, which is hereby incorporated by reference; or ASME A18.1-1999, Sections 5, 6, and 7, which is hereby incorporated by reference.

(6) Special access elevators installed after Sept. 28, 2001 shall be inspected for safety and compliance with the applicable provisions of Article 15, Special Access Elevators and Special Access Lifts, ~~S~~sections 3093-3093.60 of the Elevator Safety Orders.

\* \* \* \* \*

**Article 6. Definitions**

Amend Section 3009 as follows:

**§3009. Definitions.**

(a) Scope. The elevator industry and the material handling industry, both of which are subject to these orders, use many words and terms that have meanings unique to their respective endeavors. Definitions are included to standardize nomenclature and improve communication between inspectors, mechanics, architects, engineers, and owners. Oral and written interchanges are enhanced when both parties understand a given term or word to have a specific meaning.

(b) List of Definitions. The following definitions shall be accepted as the meaning of the various terms as used in these regulations:

\* \* \* \* \*

**STANDARDS PRESENTATION  
TO  
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

Attachment No. 1

Page 5 of 20

**PROPOSED STATE STANDARD,  
TITLE 8, CHAPTER 4**

Automated People Mover. A guided transit mode with fully automated operation, featuring vehicles that operate on guideways with exclusive right-of-way.

\* \* \* \* \*

Certified Competent Conveyance Inspector (CCCI). Any person who has been determined by the Division to have the qualifications and ability of a competent conveyance inspector and is certified as a CCCI by the Division.

Certified Competent Conveyance Mechanic (CCCM). Any person who has been determined by the Division to have the qualifications and ability of a competent journey-level elevator mechanic and is certified as a CCCM by the Division.

Certified Qualified Conveyance Company (CQCC). Any person, firm, or corporation that, (1) possesses a valid elevator contractor's license if required by Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code, and (2) is certified as a CQCC by the Division.

Certified Qualified Conveyance Inspection Company (CQCIC). Any person, firm, or corporation that is certified as a CQCIC by the Division.

\* \* \* \* \*

Conveyance. Any elevator, dumbwaiter, escalator, moving platform lift, stairway chairlift, material lift or dumbwaiter with automatic transfer device, automated people mover, or other equipment subject to this chapter.

Conveyor, Reciprocating. See under Material Handling Devices.

\* \* \* \* \*

Dormant Elevator, Dumbwaiter, or Escalator. An elevator, dumbwaiter, or escalator placed out of service as specified in ASME A17.1-2004 and ASME A18.1-2003.

Dumbwaiter. See under Material Handling Devices.

\* \* \* \* \*

Periodic Inspection. Annual re-inspection of conveyances covered by this chapter.

Phase I Emergency Recall Operation. The operation of an elevator wherein it is automatically or manually recalled to a specific landing and removed from normal service because of activation of firefighters' service.

\* \* \* \* \*

Re-inspection. See periodic inspection.

**STANDARDS PRESENTATION**  
**TO**  
**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

Attachment No. 1

Page 6 of 20

PROPOSED STATE STANDARD,  
TITLE 8, CHAPTER 4

Releasing Carrier, Governor Rope. A mechanical device to which the governor rope may be fastened, calibrated to control the initiation ~~activation~~ of a safety at a predetermined tripping force.

\* \* \* \* \*

Speed Governor (Governor). A continuous operating speed monitoring and detection device ~~which, that~~ at predetermined speeds, provides signals to the controller and imparts a retarding force to activate the car or counterweight safety.

\* \* \* \* \*

NOTE: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code; ~~and Section 18943(b), Health and Safety Code.~~

Amend Group II to read:

Group II. ~~Existing~~ Elevator Installations for which the installation contract was signed before October 25, 1998.

~~Group II regulations apply to existing elevators installed prior to October 25, 1998.~~ Italicized paragraphs, sentences, or phrases apply to all existing elevators while non-italicized apply to elevators installed after 1970 or after the date the regulation was adopted.

\* \* \* \* \*

Article 15. Special Access Elevators and Special Access Lifts

\* \* \* \* \*



**STANDARDS PRESENTATION**  
**TO**  
**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

Attachment No. 1

Page 7 of 20

PROPOSED STATE STANDARD,  
TITLE 8, CHAPTER 4

Amend Section 3094.2 as follows:

§3094.2. Vertical Platform (Wheelchair) Lifts.

\* \* \* \* \*

(p) Vertical platform (wheelchair) lifts which require the wheelchair or conveyance to be rotated 90 degrees for egress shall comply with the following:

(1) The clear inside unobstructed platform ~~inside~~ dimensions may range from 42 inches to ~~50~~ 48 inches on one side by ~~53~~ 54 inches to 60 inches on the other side.

(2) ~~Where there is an increase in the~~ When the platform minimum width of 42 inches is increased, the platform maximum 60 inch length shall be ~~reduced~~ decreased by the number of inches the width has been increased (see the Table in section 3093.46(b)).

(3) When the length of the platform is reduced, the platform width shall be increased by the same amount the length has been decreased.

(4) The side entry of the platform door on the long side shall be hinged at the end nearest to the platform door on the short side unless the door is power operated.

\* \* \* \* \*

~~(Title 24, Part 7, Section 7 3094.2)~~

NOTE: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code; and Section 18943~~(b)~~, Health and Safety Code.

\* \* \* \* \*

**STANDARDS PRESENTATION**  
**TO**  
**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

Attachment No. 1

Page 8 of 20

PROPOSED STATE STANDARD,  
TITLE 8, CHAPTER 4

Amend Group III to read:

Group III. ~~New Elevator Installations~~ for which the installation contract was signed on or after October 25, 1998, but before [       \*       ].

~~Group III regulations apply to new elevators installed after October 25, 1998.~~

Article 20. Hoistways, Hoistway Enclosures, and Related Construction for Electric Elevators

\* \* \* \* \*

Amend Section 3120.6 as follows:

§3120.6. Pits.

\* \* \* \* \*

(c) A water removal system such as a sump pump, suction drain, or gravity drain may be used to address water accumulations on the pit floor pursuant to Rule section 1206.2a of ASTM ASME A17.1-1996. The water removal system, if provided, shall comply with the following:

- (1) Equipment related to the water removal system shall not be located in the pit, elevator hoistway, or machine room;
- (2) Piping related to the water removal system shall be located outside the pit and machine room, except that the piping extending from the pit floor to the lowest landing may be installed inside the hoistway.
- (3) The water removal system shall not be connected directly to the sewer.
- (4) The following shall apply if a drain in the pit floor is used as the water removal system:
  - (A) The drain shall be designed so that water cannot enter the pit through the drain;
  - (B) If a sump is provided, the drain shall be in the sump.

\* \* \* \* \*

NOTE: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.

\* \* \* \* \*

[ \* OAL to insert the effective date of the standard.]

Amend Article 37 title and Section 3137 as follows:

**STANDARDS PRESENTATION**  
**TO**  
**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

Attachment No. 1

Page 9 of 20

PROPOSED STATE STANDARD,  
TITLE 8, CHAPTER 4

Article 37. Seismic Requirements ~~for Elevators, Escalators and Moving Walks~~

§3137. Seismic Requirements for Elevators, Escalators and Moving Walks.

Elevators shall comply with the seismic requirements for elevators in Part XXIV of ASME A17.1-1996, except for Rule 2409.1b(1), which is hereby incorporated by reference.

\* \* \* \* \*

(d) The following requirements apply to escalators and moving walks and are in addition to the requirements contained in other parts of this code:

(1) Connections which join the escalator or moving walk to the building shall be designed for seismic loads of 0.5g in both principal horizontal directions.

(2) The design connections shall provide for maximum design story drift.

\* \* \* \* \*

(C) Seismic restraint shall be provided in the transverse direction at ~~all supports~~ the top and bottom supports. Intermediate supports, if any, shall be free to move laterally in all directions. The gap between the escalator truss and the seismic restraint shall not exceed 1/4 inch on each side.

\* \* \* \* \*

~~(Title 24, Part 7, Section 7 3137.)~~

NOTE: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code; ~~and Section 18943(b), Health and Safety Code.~~

**STANDARDS PRESENTATION  
TO  
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

Attachment No. 1

Page 10 of 20

PROPOSED STATE STANDARD,  
TITLE 8, CHAPTER 4

Add new Group IV to read:

Group IV. Conveyance installations for which the installation contract was signed on or after [ \* ].

Add new Article 40 and new Section 3140 as follows:

Article 40. Application

§3140. Application.

(a) Group IV governs the design, erection, construction, installation, service, and operation of conveyance as defined in Section 7300.1 of the Labor Code, for which the installation contract was signed on or after [ \* ].

(b) Use and Precedence of Orders.

(1) The reference to ASME A17.1-2004, Safety Code for Elevators and Escalators, developed by the American Society of Mechanical Engineers, shall mean the 2004 edition, and shall be referred to as ASME A17.1-2004, unless otherwise indicated.

(2) The reference to ASME A18.1-2003, Safety Standard for Platform Lifts and Stairway Chairlifts, developed by the American Society of Mechanical Engineers, shall mean the 2003 edition, and shall be referred to as ASME A18.1-2003, unless otherwise indicated.

(3) The reference to ASCE 21, Automatic People Movers, developed by the American Society of Civil Engineers, shall mean ASCE 21, Part 1, 1996 edition; Part 2, 1998 edition; and Part 3, 2000 edition; and shall be referred to as ASCE 21, Parts 1, 2, and 3, unless otherwise indicated.

(4) The Elevator Safety Orders shall apply if any difference exists between the Elevator Safety Orders and ASME A17.1-2004; ASME A18.1-2003; and ASCE 21, Part 1, 1996 edition, Part 2, 1998 edition, and Part 3, 2000 edition; or any other code, document or standard referenced in ASME A17.1-2004; ASME A18.1-2003; and ASCE 21, Part 1, 1996 edition, Part 2, 1998 edition, and Part 3, 2000 edition.

NOTE: Authority cited: Sections 142.3 and 7323, Labor Code. Reference: Sections 142.3 and 7323, Labor Code.

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[ \* OAL to insert the effective date of the standard.]

**STANDARDS PRESENTATION  
TO  
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

Attachment No. 1

Page 11 of 20

**PROPOSED STATE STANDARD,  
TITLE 8, CHAPTER 4**

Add new Article 41 and new Sections 3141, 3141.1 through 3141.13 as follows:

Article 41. Conveyances Covered by ASME A17.1-2004

§3141. Scope.

Conveyances covered by ASME A17.1-2004, section 1.1, Scope, and Article 41 of Title 8 shall comply with ASME A17.1-2004, Safety Code for Elevator and Escalators, except sections 2.2.2.5, 2.7.6, 2.11.1.2, 2.11.1.4, 2.12.6, 2.14.2.2(f), and 2.14.2.6, which is hereby incorporated by reference.

NOTE: Authority cited: Sections 142.3 and 7323, Labor Code. Reference: Sections 142.3 and 7323, Labor Code.

§3141.1. Maintenance, Repair, and Replacement.

Maintenance, repairs, and replacements of conveyances covered by ASME A17.1-2004 shall comply with ASME A17.1-2004, section 8.6.

NOTE: Authority cited: Sections 142.3 and 7323, Labor Code. Reference: Sections 142.3 and 7323, Labor Code.

§3141.2. Alterations.

(a) Alterations made to conveyances covered by ASME A17.1-2004 shall comply with ASME A17.1-2004, section 8.7.

(b) When alterations are made pursuant to ASME A17.1-2004, section 8.7, conveyances shall comply with ASME A17.1-2004, section 8.4, that are applicable to the alteration.

(1) When alterations are made pursuant to ASME A17.1-2004, sections 8.7.2.27.4, 8.7.2.27.5, or 8.7.2.27.6, conveyances shall comply with ASME A17.1-2004, section 8.4.10.

NOTE: Authority cited: Sections 142.3 and 7323, Labor Code. Reference: Sections 142.3 and 7323, Labor Code.

§3141.3. Static Controls.

(a) The installation of static controls shall comply with the requirements of ASME A17.1-2004 applicable to the conveyance involved.

(b) The Certified Qualified Conveyance Company (CQCC) installing static controls shall provide the Division with verification that the control complies with the requirements of ASME A17.1-2004. This information shall be in the form of:

(1) Electrical schematic diagrams or block diagrams of the control and safety circuits; and

(2) A written check-off procedure and demonstration of safety and speed control circuits at the time of the initial inspection.

**STANDARDS PRESENTATION  
TO  
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

Attachment No. 1

Page 12 of 20

**PROPOSED STATE STANDARD,  
TITLE 8, CHAPTER 4**

(c) The results of the Electromagnetic Interference (EMI) testing required by ASME A17.1-2004 shall be submitted to the Division for review. The test shall include any wireless communication system used.

NOTE: Authority cited: Sections 142.3 and 7323, Labor Code. Reference: Sections 142.3 and 7323, Labor Code.

§3141.4. Acceptance Inspections and Tests.

(a) Acceptance inspections and tests shall comply with the parts of ASME A17.1-2004, section 8.10, that are applicable to the type of conveyance installed or altered.

(b) Private residential conveyances installed, or that have undergone major alterations, located in a multiunit residential building serving no more than two dwelling units and not accessible to the public, shall be inspected for safety and compliance with applicable provisions in ASME A17.1-2004, sections 5.3 and 5.4, in addition to the acceptance inspections and tests specified in section 3141.4(a).

NOTE: Authority cited: Sections 142.3, 7317 and 7323, Labor Code. Reference: Sections 142.3, 7317 and 7323, Labor Code.

§3141.5. Periodic Inspections.

Periodic inspections shall comply with ASME A17.1-2004, section 8.11, applicable for the type of conveyance involved.

EXCEPTION: Conveyances addressed in section 3141.4(b) are not subject to periodic inspections.

NOTE: Authority cited: Sections 142.3 and 7323, Labor Code. Reference: Sections 142.3 and 7323, Labor Code.

§3141.6. Periodic Tests.

(a) Periodic testing shall comply with the parts of ASME A17.1-2004, section 8.11, that are applicable for the type of conveyance involved with the following frequencies:

(1) Category One Tests shall be completed once every 12 months.

(A) A Category One Test shall apply to earthquake protective devices.

(2) Category Three Tests shall be completed once every 36 months; and

(3) Category Five Tests shall be completed once every 60 months.

(b) Test tags per ASME A17.1-2004, section 8.11.1.6, are required. Tags shall be installed in a machinery space when machine rooms are not available.

(c) Periodic tests shall be conducted by a Certified Competent Conveyance Mechanic (CCCM) employed by a Certified Qualified Conveyance Company (CQCC).

(d) Periodic tests shall be witnessed, as required by ASME A17.1-2004, section 8.11.1.1.2, by a Certified Competent Conveyance Inspector (CCCI) employed by a Certified Qualified Conveyance Inspection Company (CQCIC) or, if a CQCIC is not available, by a Division CCCI.

**STANDARDS PRESENTATION  
TO  
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

Attachment No. 1

Page 13 of 20

**PROPOSED STATE STANDARD,  
TITLE 8, CHAPTER 4**

Periodic tests witnessed by a CCCI shall be reported to the Division by the CCCI on a form provided by the Division, or equivalent, within 21 days of the test. The information required to be reported shall include:

- (1) The name of the CQCIC and the CCCI witnessing the test;
- (2) Type of test performed as contained in ASME A17.1-2004, section 8.11;
- (3) Name of the CQCC and CCCM who performed the test;
- (4) The date of the test; and
- (5) Results of the test.
- (e) All statements on the form shall be made under penalty of perjury.
- (f) If an elevator fails a periodic test, it shall be removed from service until a satisfactory test result is achieved.

NOTE: Authority cited: Sections 142.3 and 7323, Labor Code. Reference: Sections 142.3 and 7323, Labor Code.

§3141.7. General Requirements.

(a) Conveyances shall comply with the following general requirements:

- (1) Hoistway door unlocking devices described in ASME A17.1-2004, section 2.12.6, are prohibited on all conveyances;
- (2) Emergency doors in blind hoistways as described in ASME A17.1-2004, section 2.11.1.1, and access panels as described in ASME A17.1-2004, section 2.11.1.4, are prohibited;
- (3) All electrical equipment and wiring shall comply with CCR, Title 24, Part 3, California Electrical Code;
  - (A) The light switch shall be located on the strike side of the machine room door if a machine room door is provided;
  - (B) The light switch shall be located adjacent to the elevator pit access door within 18 inches to 36 inches above the access landing when access to the elevator pit is through the lowest landing door;
  - (C) Fire detecting systems for hoistways and the necessary wiring may be installed in hoistways, provided that the system is arranged to be serviced and repaired from outside the hoistway;
- (4) The 4-inch dimension referenced in ASME A17.1-2004, section 2.1.6.2, shall be reduced to 2 inches and the 6.5 inch dimension referenced in ASME A17.1-2004, section 2.14.4.5.1(d), shall be reduced to 6 inches;
- (5) The means of providing automatic disconnect from the main power supply to the affected elevator upon or prior to the application of water from sprinklers located in the machine room or in the hoistway as required by ASME A17.1-2004, section 2.8.2.3.2, is permitted, but is not mandatory;
- (6) Door locking devices, oil buffers, car and counterweight safety devices, speed governors, and plunger engaging safety devices (plunger gripper) shall be approved by the Division based on the criteria contained in ASME A17.1-2004, sections 2.12, 2.17, 2.18, 2.22.4, and 3.17.3; and Group II, sections 3105(b), 3106(b), 3106.1, 3108(f), and 3110(a);-

**STANDARDS PRESENTATION  
TO  
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

Attachment No. 1

Page 14 of 20

PROPOSED STATE STANDARD,  
TITLE 8, CHAPTER 4

- (7) An audible signaling device complying with ASME A17.1-2004, section 2.27.1.2, shall be provided on all conveyances regardless of the existence of an emergency stop switch;
- (8) Instead of the two floors permitted by ASME A17.1-2004, section 2.27.3.4, the car shall be permitted to move one floor on resumption of normal, emergency, or standby power.
- (9) Counterweight guards addressed in ASME A17.1-2004, section 2.3.2.2(e), if perforated, shall reject a 1/2 inch ball;
- (10) The speed governor and safety marking plates shall contain the manufacturer's identifying number;
- (11) A reduced diameter governor rope of equivalent construction and material to that required by ASME A17.1-2004 shall be permitted to be used if the factor of safety as related to the strength necessary to activate the safety is 5 or greater;
- (12) Scissor type collapsible gates are prohibited;
- (13) The guarding of counterweights in a multiple-elevator hoistway shall comply with Group II, section 3013(c);
- (14) Water removal systems used to address the accumulation of water in pits shall comply with Group III, section 3120.6(c) and section 3120.6(d);
- (15) Elevators in jails and penal institutions are exempt from the requirements related to the installation of fire fighters' emergency operation where the recall of elevators will interfere with security;
- (16) Guarding of exposed equipment shall comply with Group II, section 3014;
- (17) Partitions not less than 6 feet (1.83 m) high from the pit floor shall be provided between the pits of adjacent hoistways;
- (A) If openings are provided in the partition, they shall reject a 2-inch ball;
- (B) The partitions may be omitted if the clearance between the underside of the car sling when resting on a fully compressed buffer and the bottom of the pit is not less than 7 ft. (2.13 m);
- (18) Looped pull straps are prohibited; and
- (19) Access switches described in ASME A17.1-2004, section 2.12.7, are required regardless of the rated speed and shall be installed in the hoistway entrance frame or within 12 inches of the entrance frame and not less than 36 inches (914 mm) nor more than 78 inches (1.98 m) above floor level.
- (b) Medical Emergency Service.
- Medical emergency service shall comply with Group II, section 3041(e).
- NOTE: See Title 24, Chapter 30, section 3003.5a. of the California Building Code for regulations related to medical emergency service elevators.

NOTE: Authority cited: Sections 142.3 and 7323, Labor Code. Reference: Sections 142.3 and 7323, Labor Code.

§3141.8. Electric Conveyances.

- (a) Electric conveyances covered by ASME A17.1-2004, shall comply with the following:
- (1) Means of access to the governor from outside the hoistway as required by ASME A17.1-2004, section 2.1.3.1.2(b)(1), shall not be required provided that:



**STANDARDS PRESENTATION**  
**TO**  
**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

Attachment No. 1

Page 15 of 20

PROPOSED STATE STANDARD,  
TITLE 8, CHAPTER 4

(A) The governor can be inspected and serviced from the top of the car, and the governor can be tripped for testing from outside the hoistway;

(B) The governor can be reset automatically when the car is moved in the up direction or the governor can be reset from outside the hoistway;

(C) Mechanical means to secure the car during governor or governor rope replacement or removal is provided and signs indicating that the car shall be secured before removal of the governor rope shall be placed in the vicinity of the governor. Instructions in the use of this means shall be available on site for use by a CCCM;

(D) Means to reset the governor switch, if provided, is located outside the hoistway;

(E) Additional permanent lighting of not less than 5 footcandles and a switch for the lighting shall be provided in the governor area; and

(F) Written procedures for testing, servicing, maintaining, and inspecting the governor shall be developed and made available to the CQCC providing the service on the elevator and upon request to the Division.

(2) A floor above a hoistway per ASME A17.1-2004, section 2.1.3.1.1, is only required if a machine room or other room is provided above the hoistway that requires entry.

(3) A stop switch complying with section 2.26.2.5 of ASME A17.1-2004 shall be provided at a readily accessible location adjacent to the elevator driving machine if the driving machine is located in the hoistway.

(4) The Division may grant a temporary experimental variance pursuant to Labor Code section 6452 for an alternate suspension system not meeting the specifications of ASME A17.1-2004, section 2.20, if the alternate system provides equivalent safety. Manufacturer's documentation supporting equivalent safety shall be submitted to the Division for review and approval. The manufacturer's documentation submitted to the Division shall include, but not be limited to, the following:

(A) Definitions of terminology used;

(B) Calculations and test results supporting the equivalency of the alternate system;

(C) The material, dimensional characteristics, and mechanical properties of the various parts of the system;

(D) The life cycle criteria of the suspension means and their connections;

(E) The replacement criteria for the suspension ropes and their connections; and

(F) The allowable sheave size to be used with the suspension system.

(5) A car top emergency exit shall not be permitted on an elevator installed in a partially enclosed hoistway.

NOTE: Authority cited: Sections 142.3 and 7323, Labor Code. Reference: Sections 142.3 and 7323, Labor Code.

§3141.9. Limited-Use/Limited-Application Conveyances.

Limited-use/limited-application conveyances covered by ASME A17.1-2004 shall comply with section 5.2.

**STANDARDS PRESENTATION  
TO  
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

Attachment No. 1

Page 16 of 20

**PROPOSED STATE STANDARD,  
TITLE 8, CHAPTER 4**

NOTE: Authority cited: Sections 142.3 and 7323, Labor Code. Reference: Sections 142.3 and 7323, Labor Code.

§3141.10. Conveyances Used for Construction.

(a) Conveyances used for construction covered in ASME A17.1-2004, section 5.10, shall comply with the following:

(1) A trained and authorized person shall be stationed at, and operate the controls in the elevator car during the hours the elevator is in operation. Training shall include at least conveyance operation and emergency procedures.

(2) There shall be a means of two-way communication provided between the operator and a location on the jobsite that is staffed at all hours during elevator operation.

(3) There shall be a means of two-way voice communication (wired or wireless) between the conveyance operator and all hall landings. A separate communication system shall be provided at each landing and be operable during all hours of operation, i.e., an annunciator next to the operator's station in the car, which can be activated from the landings.

(4) An emergency plan and procedure shall be developed and made available to the Division during any inspection.

(5) When permanent doors are installed, approved interlocks shall be provided.

(6) A durable sign with lettering not less than 1/2 inch on a contrasting background shall be conspicuously posted inside the elevator car indicating that:

(A) The conveyance is for construction use only.

(B) The conveyance shall be operated only by an authorized person.

(7) Durable signs with lettering not less than 1/2 inch on a contrasting background shall be conspicuously posted at all landings instructing the elevator user how to summon the conveyance.

(8) The conveyance shall be parked and secured against unauthorized access after working hours.

NOTE: Authority cited: Sections 142.3 and 7323, Labor Code. Reference: Sections 142.3 and 7323, Labor Code.

§3141.11. Escalators.

Escalators covered in ASME A17.1-2004 shall comply with ASME A17.1-2004, section 6.1, and with Group III, section 3126.6(b).

NOTE: Authority cited: Sections 142.3 and 7323, Labor Code. Reference: Sections 142.3 and 7323, Labor Code.

§3141.12. Moving Walks.

Moving walks covered in ASME A17.1-2004 shall comply with ASME A17.1-2004, section 6.2, and with Group III, section 3127.6(b).

**STANDARDS PRESENTATION  
TO  
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

Attachment No. 1

Page 17 of 20

**PROPOSED STATE STANDARD,  
TITLE 8, CHAPTER 4**

NOTE: Authority cited: Sections 142.3 and 7323, Labor Code. Reference: Sections 142.3 and 7323, Labor Code.

§3141.13. Seismic Requirements.

(a) Conveyances covered by ASME A17.1-2004 shall comply with the seismic requirements in ASME A17.1-2004, section 8.4, and with Group III, sections 3137(a) and 3137(b).

(b) Escalators covered by ASME A17.1-2004 shall comply with the seismic requirements in Group III, section 3137(d).

NOTE: Authority cited: Sections 142.3 and 7323, Labor Code. Reference: Sections 142.3 and 7323, Labor Code.

Add new Article 42 and new Sections 3142, 3142.1, and 3142.2 as follows:

Article 42. Conveyances Covered by ASME A18.1-2003

§3142. General Requirements.

(a) Conveyances covered by ASME A18.1-2003, section 1.1, Scope, and Article 42 of Title 8 shall comply with ASME A18.1-2003, Safety Standard for Platform Lifts and Stairway Chairlifts, which is hereby incorporated by reference, and the following:

(1) Group II, sections 3094.2(r) and 3094.5.

(2) Power doors shall comply with ANSI/BHMA A156.19-1997, American National Standard for Power Assist and Low Energy Power Operated Doors, which is hereby incorporated by reference.

(b) Acceptance inspections and tests shall comply with ASME A18.1-2003, section 10.4, that are applicable to the type of elevator installed or altered.

(c) Periodic inspections shall comply with ASME A18.1-2003, section 10, applicable for the type of elevators involved.

(d) Periodic tests shall comply with section 3141.6(c), (e), and (f) and ASME A18.1-2003, section 10.3.

(e) Periodic tests shall be witnessed by a Certified Competent Conveyance Inspector (CCCI) employed by a Certified Qualified Conveyance Inspection Company (CQCIC) or, if a CQCIC is not available, by a Division CCCI. Periodic tests witnessed by a CCCI shall be reported to the Division by the CCCI on a form provided by the Division, or equivalent, within 21 days of the test. The information required to be reported shall include:

(1) The name of the CQCIC and the CCCI witnessing the test;

(2) Type of test performed;

(3) Name of the CQCC and CCCM who performed the test;

(4) The date of the test; and

(5) Results of the test.

**STANDARDS PRESENTATION  
TO  
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

Attachment No. 1

Page 18 of 20

PROPOSED STATE STANDARD,  
TITLE 8, CHAPTER 4

NOTE: Authority cited: Sections 142.3 and 7323, Labor Code. Reference: Sections 142.3 and 7323, Labor Code.

§3142.1. Vertical Platform Lifts.

Vertical platform lifts covered by ASME A18.1-2003 shall comply with ASME A18.1-2003, sections 2 and 5, which is hereby incorporated by reference, and with Group II, sections 3094.2(d), 3094.2(e), 3094.2(g), and 3094.2(p).

NOTE: Authority cited: Sections 142.3 and 7323, Labor Code. Reference: Sections 142.3 and 7323, Labor Code.

§3142.2. Inclined Platform Lifts.

Inclined platform lifts covered by ASME A18.1-2003 shall comply with ASME A18.1-2003, sections 3 and 6, which is hereby incorporated by reference, and with Group II, sections 3094.3(e), 3094.3(f), 3094.3(g), and 3094.3(h), except 3094.3(h)(2) and with Sections 3094.3(j) and 3094.3(k).

NOTE: Authority cited: Sections 142.3 and 7323, Labor Code. Reference: Sections 142.3 and 7323, Labor Code.

Add new Article 43 and new Section 3143 as follows:

Article 43. Automated Guided Transit Vehicles with an Exclusive Right-of-Way

§3143. Automated People Movers.

Automated people mover conveyances shall comply with ASCE 21, Part 1 (1996), Part 2 (1998), and Part 3 (2000), Automated People Mover Standards, which are hereby incorporated by reference.

NOTE: Authority cited: Sections 142.3 and 7323, Labor Code. Reference: Sections 142.3 and 7323, Labor Code.

Add new Article 44 and new Sections 3144, 3145, and 3146 as follows:

Article 44. Hand Power Man Platforms, Manlifts, and Vertical and Inclined Reciprocating Conveyors

§3144. Hand Power Man Platforms.

Hand power man platforms shall comply with Group II, Article 16.

**STANDARDS PRESENTATION**  
**TO**  
**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

Attachment No. 1

Page 19 of 20

PROPOSED STATE STANDARD,  
TITLE 8, CHAPTER 4

NOTE: Authority cited: Sections 142.3 and 7323, Labor Code. Reference: Sections 142.3 and 7323, Labor Code.

§3145. Manlifts.

Manlifts shall comply with Group II, Article 17.

NOTE: Authority cited: Sections 142.3 and 7323, Labor Code. Reference: Sections 142.3 and 7323, Labor Code.

**STANDARDS PRESENTATION**  
**TO**  
**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

Attachment No. 1

Page 20 of 20

PROPOSED STATE STANDARD,  
TITLE 8, CHAPTER 4

§3146. Vertical and Inclined Reciprocating Conveyors.

Vertical and inclined reciprocating conveyors shall comply with Group II, Article 12.5.

NOTE: Authority cited: Sections 142.3 and 7323, Labor Code. Reference: Sections 142.3 and 7323, Labor Code.

## Modifications to the Original Proposal

(Regulatory language to be deleted is shown in **red** bold and double strike-out and new language is shown in **red** bold and double underscore.)

**STANDARDS PRESENTATION**  
**TO**  
**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

Attachment No. 1

Page 1 of 24

PROPOSED STATE STANDARD,  
TITLE 8, CHAPTER 4

Amend Subchapter 6 to read:

Subchapter 6. Elevator Safety Orders

Amend Group I to read:

Group I. Administrative Regulations

Group I regulations apply to ~~existing~~ and new elevator installations ~~covered in by~~ Group II and Group III regulations, and to new conveyances covered ~~in by~~ Group IV regulations.

Article 1. Application

Amend Section 3000 as follows:

§3000. Application.

\* \* \* \* \*

(c) Devices Included. The devices covered by the regulations of the Elevator Safety Orders are included under the term “elevator” as used in the Labor Code. These orders apply to the following:

(1) ~~Existing p~~Power-cable driven passenger and freight elevators covered by regulations of ~~a~~Articles 7, and 8, and new power-cable driven passenger and freight elevators covered by regulations of articles 20, and 21.

(2) ~~Existing h~~Hydraulic passenger and freight elevators covered by regulations of ~~a~~Articles 9 and new hydraulic passenger and freight elevators covered by regulations of article 22.

(3) ~~Existing p~~Power and hand sidewalk elevators covered by regulations of ~~a~~Articles 10 and new power-sidewalk elevators covered by regulations of article 23.

(4) ~~Existing h~~Hand passenger and freight elevators covered by regulations of ~~a~~Articles 11 and new hand elevators covered by regulations of article 24.



**STANDARDS PRESENTATION  
TO  
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

Attachment No. 1

Page 2 of 24

PROPOSED STATE STANDARD,  
TITLE 8, CHAPTER 4

- (5) ~~Existing p~~Power and hand dumbwaiters covered by regulations of ~~a~~Articles 12 and ~~new power and hand dumbwaiters covered by regulations of article~~ 25.
- (6) ~~Existing m~~Material lifts and dumbwaiters with automatic transfer devices covered by regulations of ~~a~~Articles 12.1 and ~~new material lifts and dumbwaiters with automatic transfer devices covered by regulations of article~~ 31.
- (7) ~~Existing i~~Inclined elevators covered by regulations of ~~a~~Articles 12.2 and ~~new inclined elevators covered by regulations of article~~ 34.
- (8) ~~Existing e~~Escalators covered by regulations of ~~a~~Articles 13 and ~~new escalators covered by regulations of article~~ 26.
- (9) ~~Existing m~~Moving walks covered by regulations of ~~a~~Articles 14 and ~~new moving walks covered by regulations of article~~ 27.
- (10) ~~New and existing h~~Hand power man platforms covered by regulations of ~~a~~Article 16.
- (11) ~~New and existing m~~Manlifts covered by regulations of ~~a~~Article 17.
- (12) ~~Existing s~~Screw-driven passenger and freight elevators covered by the regulations of ~~a~~Articles 12.6 and ~~new screw column elevators covered by regulations of article~~ 35.
- (13) ~~New and existing v~~Vertical or inclined reciprocating conveyors covered by regulations of ~~a~~Article 12.5.
- (14) ~~Existing s~~Special access lifts covered by regulations of ~~a~~Articles 15 and ~~new special access lifts covered by regulations of article~~ 36.
- (15) Special-purpose personnel elevators covered by regulations of Article 12.3.
- ~~and~~
- (16) ~~s~~Special-purpose elevators covered by regulations of Article 32.
- (Title 24, Part 7, Section 3000(c))

\* \* \* \* \*

- (f) New Group III Installations. ~~New installations are d~~Devices listed as ~~new devices in section 3000(c) that are:~~
- (1) Erected from plans or contracts completed, and for which the notice of intention to install is filed with the Division, on or after October 25, 1998, but before [           \*           ] ~~these regulations become effective.~~

**STANDARDS PRESENTATION**  
**TO**  
**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

Attachment No. 1

Page 3 of 24

PROPOSED STATE STANDARD,  
TITLE 8, CHAPTER 4

(2) ~~Existing~~ Installations that which have been operating previous to October 25, 1998 ~~adoption of these regulations~~ without the required inspection or permit to operate.

(3) ~~Existing~~ dDevices that which are moved to a new location on or after October 25, 1998, but before [ \* ] ~~these regulations become effective.~~

NOTE: Regulations for ~~new~~ Group III installations are ~~contained~~ in Group III. ~~(Title 24, Part 7, Section 7-3000(f))~~

(g) ~~Existing~~ Group II Installations. ~~Existing installations are d~~Devices listed as ~~existing devices~~ in section 3000(c) that are:

(1) Devices which have been inspected by the Division and to which a serial number has been assigned.

(2) Devices for which erection was begun before October 25, 1998 ~~these regulations became effective~~ and for which the notice of intent to install is not required.

(3) Devices erected from plans or contracts completed, and for which the notice of intent to install is filed with the Division, before October 25, 1998 ~~these regulations became effective.~~

NOTE: Regulations for ~~existing~~ Group II installations are ~~contained~~ in Group II. ~~(Title 24, Part 7, Section 7-3000(g))~~

(h) Alterations, Repairs, Replacements, and Maintenance of Devices.

(1) Alterations, repairs, replacements, and maintenance of devices as listed in section 3000(c) shall comply with Part XII of ASME A17.1-1996; except for Rule 1200.1, Rule 1206.10, section 1214, section 1215, section 1216, and section 1217; which is hereby incorporated by reference.

(2) Alterations made after [ \* ] on Group II and Group III devices listed in section 3000(c) shall comply with the applicable provisions of section 3141.2 in Group IV.

~~(Title 24, Part 7, Section 7-3000(h))~~

[ \* OAL to insert the effective date of the standard.]

**STANDARDS PRESENTATION**  
**TO**  
**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

Attachment No. 1

Page 4 of 24

PROPOSED STATE STANDARD,  
TITLE 8, CHAPTER 4

Article 2. Permit to Operate

Amend Section 3001 to read:

§3001. Permit to Operate.

(a) Submittal of Plans and Notification of Intent to Install.

\* \* \* \* \*

(8) The person or firm installing a static control shall provide the Division with information showing that the control complies with the requirements of Group II, sections 3040(f)(4) and 3040(f)(7). This information shall be in the form of either:

(A) Electrical schematic diagrams or block diagrams of the control and safety circuits; or

(B) A written checkout procedure and demonstration of safety and speed control circuits required by sections 3040(f)(4) and 3040(f)(7) at the time of the inspection.

EXCEPTION TO SECTION 3001(a)(8): Installation of static control for Group IV installations shall comply with Group IV, section 3141.3.

~~(Title 24, Part 7, Section 7-3001(a))~~

(b) Inspections Required.

(1) Each new device shall be inspected by an authorized representative of the Division and a permit to operate issued before the device is placed in service.

(2) Each alteration of an existing device ~~passenger or freight elevator~~ shall be inspected by an authorized representative of the Division and a new permit to operate issued before the ~~elevator~~ device is placed back in service.

EXCEPTION: After the inspection of a new device or an alteration, the device may be placed in service while the permit to operate is being processed, provided, in the opinion of the inspecting representative of the Division, the device is safe to operate.

\* \* \* \* \*

(5) Elevators in a multiunit residential building serving no more than two dwelling units and not accessible to the public shall be inspected by the Division upon

**STANDARDS PRESENTATION  
TO  
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

Attachment No. 1

Page 5 of 24

PROPOSED STATE STANDARD,  
TITLE 8, CHAPTER 4

completion of installation prior to being placed in service, or after alterations prior to being returned to service. The inspection shall be for safety and compliance with applicable provisions in ANSI/ASME A17.1-1984, pParts V and XXI, which are hereby incorporated by reference. Elevators installed after Sept. 28, 2001, shall be inspected for safety and compliance with applicable provisions in either ASME A17.1-1996, Part 5, which is hereby incorporated by reference; or ASME A18.1-1999, Sections 5, 6, and 7, which is hereby incorporated by reference.

(6) Special access elevators installed after Sept. 28, 2001 shall be inspected for safety and compliance with the applicable provisions of Article 15, Special Access Elevators and Special Access Lifts, Ssections 3093-3093.60 of the Elevator Safety Orders.

\* \* \* \* \*

#### Article 6. Definitions

Amend Section 3009 as follows:

§3009. Definitions.

(a) Scope. The elevator industry and the material handling industry, both of which are subject to these orders, use many words and terms that have meanings unique to their respective endeavors. Definitions are included to standardize nomenclature and improve communication between inspectors, mechanics, architects, engineers, and owners. Oral and written interchanges are enhanced when both parties understand a given term or word to have a specific meaning.

(b) List of Definitions. The following definitions shall be accepted as the meaning of the various terms as used in these regulations:

\* \* \* \* \*

Automated People Mover. A guided transit mode with fully automated operation, featuring vehicles that operate on guideways with exclusive right-of-way.

\* \* \* \* \*

**STANDARDS PRESENTATION**  
**TO**  
**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

Attachment No. 1

Page 6 of 24

PROPOSED STATE STANDARD,  
TITLE 8, CHAPTER 4

Certified Competent Conveyance Inspector (CCCI). Any person who has been determined by the Division to have the qualifications and ability of a competent conveyance inspector and is certified as a CCCI by the Division.

Certified Competent Conveyance Mechanic (CCCM). Any person who has been determined by the Division to have the qualifications and ability of a competent journey-level elevator mechanic and is certified as a CCCM by the Division.

Certified Qualified Conveyance Company (CQCC). Any person, firm, or corporation that, (1) possesses a valid elevator contractor's license if required by Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code, and (2) is certified as a CQCC by the Division.

Certified Qualified Conveyance Inspection Company (CQCIC). Any person, firm, or corporation that is certified as a CQCIC by the Division.

\* \* \* \* \*

Conveyance. Any elevator, dumbwaiter, escalator, moving platform lift, stairway chairlift, material lift or dumbwaiter with automatic transfer device, automated people mover, or other equipment subject to this chapter.

Conveyor, Reciprocating. See under Material Handling Devices.

\* \* \* \* \*

Dormant Elevator, Dumbwaiter, or Escalator. An elevator, dumbwaiter, or escalator placed out of service as specified in ASME A17.1-2004 and ASME A18.1-2003.

Dumbwaiter. See under Material Handling Devices.

\* \* \* \* \*

Periodic Inspection. Annual re-inspection of conveyances covered by this chapter.

Phase I Emergency Recall Operation. The operation of an elevator wherein it is automatically or manually recalled to a specific landing and removed from normal service because of activation of firefighters' service.

**STANDARDS PRESENTATION**  
**TO**  
**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

Attachment No. 1

Page 7 of 24

PROPOSED STATE STANDARD,  
TITLE 8, CHAPTER 4

\* \* \* \* \*

Re-inspection. See periodic inspection.

Releasing Carrier, Governor Rope. A mechanical device to which the governor rope may be fastened, calibrated to control the activation of a safety at a predetermined tripping force.

\* \* \* \* \*

Speed Governor (Governor). A continuous operating speed monitoring and detection device ~~which, that~~ at predetermined speeds, provides signals to the controller and imparts a retarding force to activate the car or counterweight safety.

\* \* \* \* \*

NOTE: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code; ~~and Section 18943(b), Health and Safety Code.~~

Amend Group II to read:

Group II. ~~Existing~~ Elevator Installations for which the installation contract was signed before October 25, 1998.

~~Group II regulations apply to existing elevators installed prior to October 25, 1998.~~  
Italicized paragraphs, sentences, or phrases apply to all existing elevators while non-italicized apply to elevators installed after 1970 or after the date the regulation was adopted.

\* \* \* \* \*

Article 15. Special Access Elevators and Special Access Lifts

\* \* \* \* \*

**STANDARDS PRESENTATION**  
**TO**  
**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

Attachment No. 1

Page 8 of 24

PROPOSED STATE STANDARD,  
TITLE 8, CHAPTER 4

Amend Section 3094.2 as follows:

§3094.2. Vertical Platform (Wheelchair) Lifts.

\* \* \* \* \*

(p) Vertical platform (wheelchair) lifts which require the wheelchair or conveyance to be rotated 90 degrees for egress shall comply with the following:

(1) The clear inside unobstructed platform ~~inside~~ dimensions may range from 42 inches to ~~50~~ 48 inches on one side by ~~53~~ 54 inches to 60 inches on the other side.

(2) ~~Where there is an increase in the~~ Whenever the platform minimum width of 42 inches is increased, the platform maximum 60 inch length shall be ~~reduced~~ decreased by the number of inches the width has been increased (see the Table in section 3093.46(b)).

(3) When the length of the platform is reduced, the platform width shall be increased by the same amount the length has been decreased.

(4) The side entry of the platform door on the long side shall be hinged at the end nearest to the platform door on the short side unless the door is power operated.

\* \* \* \* \*

~~(Title 24, Part 7, Section 7-3094.2)~~

NOTE: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code; and Section 18943(b), Health and Safety Code.

\* \* \* \* \*

**STANDARDS PRESENTATION**  
**TO**  
**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

Attachment No. 1

Page 9 of 24

PROPOSED STATE STANDARD,  
TITLE 8, CHAPTER 4

Amend Group III to read:

Group III. Installations defined by section 3000(f) of these orders. ~~New Elevator Installations for which the installation contract was signed on or after October 25, 1998, but before [ \* ]~~.

~~Group III regulations apply to new elevators installed after October 25, 1998.~~

Article 20. Hoistways, Hoistway Enclosures, and Related Construction for Electric Elevators

\* \* \* \* \*

Amend Section 3120.6 as follows:

§3120.6. Pits.

\* \* \* \* \*

(c) A water removal system such as a sump pump, suction drain, or gravity drain may be used to address water accumulations on the pit floor pursuant to Rule section 1206.2a of ASTM ASME A17.1-1996. The water removal system, if provided, shall comply with the following:

- (1) Equipment related to the water removal system shall not be located in the pit, elevator hoistway, or machine room;
- (2) Piping related to the water removal system shall be located outside the pit and machine room, except that the piping extending from the pit floor to the lowest landing may be installed inside the hoistway.

[ \* OAL to insert the effective date of the standard.]



**STANDARDS PRESENTATION**  
**TO**  
**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

Attachment No. 1

Page 10 of 24

PROPOSED STATE STANDARD,  
TITLE 8, CHAPTER 4

- (3) The water removal system shall not be connected directly to the sewer.
- (4) The following shall apply if a drain in the pit floor is used as the water removal system:
  - (A) The drain shall be designed so that water cannot enter the pit through the drain;
  - (B) If a sump is provided, the drain shall be in the sump.

\* \* \* \* \*

NOTE: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.

\* \* \* \* \*

Amend Article 37 title and Section 3137 as follows:

Article 37. Seismic Requirements ~~for Elevators, Escalators and Moving Walks~~

§3137. Seismic Requirements for Elevators, Escalators and Moving Walks.  
Elevators shall comply with the seismic requirements for elevators in Part XXIV of ASME A17.1-1996, except for Rule 2409.1b(1), which is hereby incorporated by reference.

\* \* \* \* \*

- (d) The following requirements apply to escalators and moving walks and are in addition to the requirements contained in other parts of this code:
  - (1) Connections which join the escalator or moving walk to the building shall be designed for seismic loads of 0.5g in both principal horizontal directions.
  - (2) The design connections shall provide for maximum design story drift.

\* \* \* \* \*

**STANDARDS PRESENTATION  
TO  
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

Attachment No. 1

Page 11 of 24

PROPOSED STATE STANDARD,  
TITLE 8, CHAPTER 4

(C) Seismic restraint shall be provided in the transverse direction at ~~the top and bottom~~ all supports. Intermediate supports, if any, shall be free to move laterally in all directions. The gap between the escalator truss and the seismic restraint shall not exceed 1/4 inch on each side.

\* \* \* \* \*

~~(Title 24, Part 7, Section 7-3137.)~~

NOTE: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code; ~~and Section 18943(b), Health and Safety Code.~~

Add new Group IV to read:

Group IV. Conveyance installations for which the installation contract was signed on or after [ \* ].

Add new Article 40 and new Section 3140 as follows:

Article 40. Application

§3140. Application.

(a) Group IV governs the design, erection, construction, installation, service, and operation of conveyances as defined in Section 7300.1 of the Labor Code, for which the installation contract was signed on or after [ \* ].

(b) Use and Precedence of Orders.

(1) The reference to ASME A17.1-2004, Safety Code for Elevators and Escalators, developed by the American Society of Mechanical Engineers, shall mean the 2004 edition, and shall be referred to as ASME A17.1-2004, unless otherwise indicated.

[ \* OAL to insert the effective date of the standard.]

**STANDARDS PRESENTATION**  
**TO**  
**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

Attachment No. 1

Page 12 of 24

PROPOSED STATE STANDARD,  
TITLE 8, CHAPTER 4

(2) The reference to ASME A18.1-2003, Safety Standard for Platform Lifts and Stairway Chairlifts, developed by the American Society of Mechanical Engineers, shall mean the 2003 edition, and shall be referred to as ASME A18.1-2003, unless otherwise indicated.

(3) The reference to ASCE 21, Automatic People Movers, developed by the American Society of Civil Engineers, shall mean ASCE 21, Part 1, 1996 edition; Part 2, 1998 edition; and Part 3, 2000 edition; and shall be referred to as ASCE 21, Parts 1, 2, and 3, unless otherwise indicated.

(4) The Elevator Safety Orders shall apply if any difference exists between the Elevator Safety Orders and ASME A17.1-2004; ASME A18.1-2003; and ASCE 21, Part 1, 1996 edition, Part 2, 1998 edition, and Part 3, 2000 edition; or any other code, document or standard referenced in ASME A17.1-2004; ASME A18.1-2003; and ASCE 21, Part 1, 1996 edition, Part 2, 1998 edition, and Part 3, 2000 edition.

NOTE: Authority cited: Sections 142.3 and 7323, Labor Code. Reference: Sections 142.3 and 7323, Labor Code.

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Add new Article 41 and new Sections 3141, 3141.1 through 3141.13 as follows:

Article 41. Conveyances Covered by ASME A17.1-2004

§3141. Scope.

Conveyances covered by ASME A17.1-2004, section 1.1, Scope, and Article 41 of Title 8 shall comply with ASME A17.1-2004, Safety Code for Elevators and Escalators, except sections 1.1.3, 2.2.2.5, 2.7.6, 2.11.1.2, 2.11.1.4, 2.12.6, 2.14.2.2(f), and 2.14.2.6; apart from these exceptions, ASME A17.1-2004, which is hereby incorporated by reference.

NOTE: Authority cited: Sections 142.3 and 7323, Labor Code. Reference: Sections 142.3 and 7323, Labor Code.

**STANDARDS PRESENTATION**  
**TO**  
**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

Attachment No. 1

Page 13 of 24

PROPOSED STATE STANDARD,  
TITLE 8, CHAPTER 4

§3141.1. Maintenance, Repair, and Replacement.

Maintenance, repairs, and replacements of conveyances ~~covered by ASME A17.1-2004~~ shall comply with ASME A17.1-2004, section 8.6.

NOTE: Authority cited: Sections 142.3 and 7323, Labor Code. Reference: Sections 142.3 and 7323, Labor Code.

§3141.2. Alterations.

(a) Alterations made to conveyances ~~covered by ASME A17.1-2004~~ shall comply with ASME A17.1-2004, section 8.7.

(b) When alterations are made pursuant to ASME A17.1-2004, section 8.7, conveyances shall comply with ASME A17.1-2004, section 8.4, ~~that are applicable to the alteration.~~

(1) When alterations are made pursuant to ASME A17.1-2004, sections 8.7.2.27.4, 8.7.2.27.5, or 8.7.2.27.6, conveyances shall comply with ASME A17.1-2004, section 8.4.10.

NOTE: Authority cited: Sections 142.3 and 7323, Labor Code. Reference: Sections 142.3 and 7323, Labor Code.

§3141.3. Static Controls.

(a) The installation of static controls shall comply with the requirements of ASME A17.1-2004 applicable to the conveyance involved.

(b) The Certified Qualified Conveyance Company (CQCC) installing static controls shall provide the Division with verification that the control complies with the requirements of ASME A17.1-2004. This information shall be in the form of:

(1) Electrical schematic diagrams or block diagrams of the control and safety circuits; and

(2) A written check-off procedure and demonstration of safety and speed control circuits at the time of the initial inspection.

(c) The results of the Electromagnetic Interference (EMI) testing required by ASME A17.1-2004 shall be submitted to the Division for review. The test shall include any wireless communication system used.

**STANDARDS PRESENTATION**  
**TO**  
**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

Attachment No. 1

Page 14 of 24

PROPOSED STATE STANDARD,  
TITLE 8, CHAPTER 4

NOTE: Authority cited: Sections 142.3 and 7323, Labor Code. Reference: Sections 142.3 and 7323, Labor Code.

§3141.4. Acceptance Inspections and Tests.

(a) Acceptance inspections and tests shall comply with the parts of ASME A17.1-2004, section 8.10, that are applicable to the type of conveyance installed or altered.

(b) Private residential conveyances installed, or that have undergone major alterations, located in a multi-unit residential building serving no more than two dwelling units and not accessible to the public, shall be inspected for safety and compliance with applicable provisions in ASME A17.1-2004, sections 5.3 and 5.4, in addition to the acceptance inspections and tests specified in section 3141.4(a).

NOTE: Authority cited: Sections 142.3, 7317 and 7323, Labor Code. Reference: Sections 142.3, 7317 and 7323, Labor Code.

§3141.5. Periodic Inspections.

Periodic inspections shall comply with ASME A17.1-2004, section 8.11, ~~except section 8.11.1.1,~~ applicable ~~for~~ to the type of conveyance ~~involved~~ inspected.

EXCEPTION: Conveyances addressed in section 3141.4(b) are not subject to periodic inspections.

NOTE: Authority cited: Sections 142.3 and 7323, Labor Code. Reference: Sections 142.3 and 7323, Labor Code.

§3141.6. Periodic Tests.

(a) Periodic testing shall comply with the parts of ASME A17.1-2004, section 8.11, that are applicable for the type of conveyance involved with the following frequencies:

(1) Category One Tests shall be completed once every 12 months;

~~(A) A Category One Test shall apply to earthquake protective devices.~~

(2) Category Three Tests shall be completed once every 36 months; and

(3) Category Five Tests shall be completed once every 60 months.

**STANDARDS PRESENTATION**  
**TO**  
**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

Attachment No. 1

Page 15 of 24

PROPOSED STATE STANDARD,  
TITLE 8, CHAPTER 4

(b) Whenever a Category One Test is performed, the test procedure shall include earthquake protective devices in addition to the items specified by ASME A17.1-2004, section 8.11.

~~(b)~~(c) Test tags per ASME A17.1-2004, section 8.11.1.6, are required. Tags shall be installed in a machinery space when machine rooms are not available.

~~(c)~~(d) Periodic tests shall be conducted by a Certified Competent Conveyance Mechanic (CCCM) employed by a Certified Qualified Conveyance Company (CQCC).

~~(d)~~(e) Periodic tests shall be witnessed, as required by ASME A17.1-2004, section 8.11.1.1.2, by a Certified Competent Conveyance Inspector (CCCI) ~~employed by a Certified Qualified Conveyance Inspection Company (CQCIC) or, if a CQCIC is not available,~~ by a Division CCCI. Periodic tests witnessed by a CCCI shall be reported to the Division by the CCCI on a form provided by the Division, or equivalent, within 21 days of the test. The information required to be reported shall include:

- (1) The name of the ~~CQCIC and the~~ CCCI witnessing the test;
- (2) Type of test performed as contained in ASME A17.1-2004, section 8.11;
- (3) Name of the CQCC and CCCM who performed the test;
- (4) The date of the test; and
- (5) Results of the test.

~~(e)~~(f) All statements on the form shall be made under penalty of perjury.

~~(f)~~(g) If an elevator fails a periodic test, it shall be removed from service until a satisfactory test result is achieved.

NOTE: Authority cited: Sections 142.3 and 7323, Labor Code. Reference: Sections 142.3 and 7323, Labor Code.

§3141.7. General Requirements.

(a) Conveyances shall comply with the following general requirements:

- (1) Hoistway door unlocking devices described in ASME A17.1-2004, section 2.12.6, are prohibited on all conveyances;
- (2) Emergency doors in blind hoistways as described in ASME A17.1-2004, section ~~2.11.1.1~~ 2.11.1.2, and access panels as described in ASME A17.1-2004, section 2.11.1.4, are prohibited;

**STANDARDS PRESENTATION  
TO  
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

Attachment No. 1

Page 16 of 24

PROPOSED STATE STANDARD,  
TITLE 8, CHAPTER 4

(3) All electrical equipment and wiring shall comply with CCR, Title 24, Part 3, California Electrical Code ~~in effect at the time of installation~~;

(A) The light switch shall be located ~~inside the machine room~~ on the strike side of the machine room door ~~if a machine room door is provided~~;

(B) The light switch shall be located adjacent to the elevator pit access door within 18 inches to 36 inches above the access landing when access to the elevator pit is through the lowest landing door;

(C) Fire detecting systems for hoistways and the necessary wiring may be installed in hoistways, provided that the system is arranged to be serviced and repaired from outside the hoistway;

(4) The ~~4-inch~~ dimension ~~specified as 4 inches by referenced in~~ ASME A17.1-2004, section 2.1.6.2, shall be ~~reduced to~~ 2 inches, ~~and The maximum permissible distance for freight elevators that are not equipped with horizontal swinging doors and that are not accessible to the general public is 6 inches instead of 6.5 inches dimension referenced in~~ as specified by ASME A17.1-2004, section 2.14.4.5.1(d), ~~shall be reduced to 6 inches~~;

~~(5) The means of providing automatic disconnect from the main power supply to the affected elevator upon or prior to the application of water from sprinklers located in the machine room or in the hoistway as required by ASME A17.1-2004, section 2.8.2.3.2, is permitted, but is not mandatory;~~

~~(6)~~ Door locking devices, oil buffers, car and counterweight safety devices, speed governors, and plunger engaging safety devices (plunger gripper) shall be approved by the Division based on the criteria contained in ASME A17.1-2004, sections 2.12, 2.17, 2.18, 2.22.4, and 3.17.3; and Group II, sections 3105(b), 3106(b), ~~3106.1~~, 3108(f), and 3110(a);-

~~(6)(7)~~ An audible signaling device complying with ASME A17.1-2004, section 2.27.1.2, shall be provided on all conveyances regardless of the existence of an emergency stop switch;

~~(7)(8)~~ ~~Instead of the two floors permitted by ASME A17.1-2004, section 2.27.3.4,~~ ~~The car shall be permitted to move~~ capable of moving only one floor ~~to re-establish absolute car position upon~~ ~~on~~ resumption of power ~~(normal, emergency, or standby), power~~ instead of the unspecified number of floors allowed by ASME A17.1-2004, section 2.27.3.4.

~~(8)(9)~~ Counterweight guards addressed in ASME A17.1-2004, section 2.3.2.2(e), if perforated, shall reject a 1/2 inch ball;

**STANDARDS PRESENTATION**  
**TO**  
**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

Attachment No. 1

Page 17 of 24

PROPOSED STATE STANDARD,  
TITLE 8, CHAPTER 4

~~(9)(10)~~ The speed governor and safety marking plates shall contain the manufacturer's ~~identifying model~~ number;

~~(10)(11)~~ A reduced diameter governor rope of equivalent construction and material to that required by ASME A17.1-2004 ~~shall be permitted to be used~~ is permissible if the factor of safety as related to the strength necessary to activate the safety is 5 or greater;

~~(11)(12)~~ Scissor type collapsible gates are prohibited;

~~(12)(13)~~ The guarding of counterweights in a multiple-elevator hoistway shall comply with Group II, section 3013(c)(1);

~~(13)(14)~~ Water removal systems used to address the accumulation of water in pits shall comply with Group III, section 3120.6(c) and section 3120.6(d);

~~(14)(15)~~ Elevators in jails and penal institutions are exempt from the requirements related to the installation of fire fighters' emergency operation where the recall of elevators will interfere with security;

~~(15)(16)~~ Guarding of exposed equipment shall comply with Group II, section 3014;

~~(16)(17)~~ Partitions not less than 6 feet (1.83 m) high from the pit floor shall be provided between the pits of adjacent hoistways;

(A) If openings are provided in the partition, they shall reject a 2-inch ball;

(B) The partitions may be omitted if the clearance between the underside of the car sling when resting on a fully compressed buffer and the bottom of the pit is not less than 7 ft. (2.13 m);

~~(17)(18)~~ Looped pull straps are prohibited; and

~~(18)(19)~~ Access switches described in ASME A17.1-2004, section 2.12.7, are required regardless of the rated speed and shall be installed in the hoistway entrance frame or within 12 inches of the entrance frame and not less than 36 inches (914 mm) nor more than 78 inches (1.98 m) above floor level.

(b) Medical Emergency Service.

~~Elevators utilized to provide m~~Medical emergency service shall comply with Group II, section 3041(e).

~~NOTE: See Title 24, Chapter 30, section 3003.5a. of the California Building Code for regulations related to medical emergency service elevators.~~

NOTE: Authority cited: Sections 142.3 and 7323, Labor Code. Reference: Sections 142.3 and 7323, Labor Code.



STANDARDS PRESENTATION  
TO  
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Attachment No. 1

Page 18 of 24

PROPOSED STATE STANDARD,  
TITLE 8, CHAPTER 4

§3141.8. Electric Conveyances.

~~(a)~~ Electrical conveyances ~~covered by ASME A17.1-2004~~, shall comply with the following:

~~(1)(a)~~ A ~~M~~means of access to the governor from outside the hoistway as required by ASME A17.1-2004, section 2.1.3.1.2(b)(1), ~~shall is~~ not ~~be~~ required provided that:

~~(A)(1)~~ The governor can be inspected and serviced from the top of the car, and the governor can be tripped for testing from outside the hoistway;

~~(B)(2)~~ The governor can be reset automatically when the car is moved in the up direction or the governor can be reset from outside the hoistway;

~~(C)(3)~~ There is a ~~M~~mechanical means to secure the car during governor or governor rope replacement or removal, ~~is provided~~ and signs ~~indicating requiring~~ that the car ~~shall~~ be secured before removal of the governor rope ~~shall be are~~ clearly visible and ~~placed located~~ in the vicinity of the governor. Instructions in the use of this means shall be available on site for use by a CCCM;

~~(D)(4)~~ It is not possible ~~Means~~ to reset the governor switch ~~from inside, if provided, is located outside~~ the hoistway;

~~(E)(5)~~ Additional permanent lighting of not less than 5 footcandles and a switch for the lighting shall be provided in the governor area; and

~~(F)(6)~~ Written procedures for testing, servicing, maintaining, and inspecting the governor shall be developed and made available to the CQCC providing the service on the elevator and upon request to the Division.

~~(2)(b)~~ A ~~floor above a~~ hoistway ~~is not required to have a floor above it~~ per ASME A17.1-2004, section 2.1.3.1.1, ~~is only required~~ if ~~there is no a~~ machine room or other room ~~is provided~~ above the hoistway that requires entry ~~to perform functions such as maintenance, inspections, estimates by consultants, etc.~~

~~(3)(c)~~ A stop switch complying with section 2.26.2.5(a) through (c) of ASME A17.1-2004 shall be ~~provided placed~~ at a readily accessible location adjacent to the elevator driving machine if the driving machine is located in the hoistway.

~~(4)~~ The Division may grant a temporary experimental variance pursuant to Labor Code section 6452 for an alternate suspension system not meeting the specifications of ASME A17.1-2004, section 2.20, may be provided if the alternate system provides equivalent safety. Manufacturer's documentation supporting equivalent safety shall be submitted to the Division for review and approval. The

**STANDARDS PRESENTATION  
TO  
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

Attachment No. 1

Page 19 of 24

PROPOSED STATE STANDARD,  
TITLE 8, CHAPTER 4

~~manufacturer's documentation submitted to the Division shall include, but not be limited to, the following:~~

~~(A) Definitions of terminology used;~~

~~(B) Calculations and test results supporting the equivalency of the alternate system;~~

~~(C) The material, dimensional characteristics, and mechanical properties of the various parts of the system;~~

~~(D) The life cycle criteria of the suspension means and their connections;~~

~~(E) The replacement criteria for the suspension ropes and their connections; and~~

~~(F) The allowable sheave size to be used with the suspension system.~~

~~(5)(d)~~ A car top emergency exit shall not be permitted on an elevator installed in a partially enclosed hoistway.

NOTE: Authority cited: Sections 142.3 and 7323, Labor Code. Reference: Sections 142.3 and 7323, Labor Code.

§3141.9. Limited-Use/Limited-Application Conveyances.

Limited-use/limited-application conveyances ~~covered by ASME A17.1-2004~~ shall comply with ASME A17.1-2004, section 5.2.

NOTE: Authority cited: Sections 142.3 and 7323, Labor Code. Reference: Sections 142.3 and 7323, Labor Code.

§3141.10. Conveyances Used for Construction.

(a) Conveyances used for construction covered in ASME A17.1-2004, section 5.10, shall comply with the following:

(1) A trained and authorized person shall be stationed at, and operate the controls in, the elevator car ~~at all times while the elevator is accessible and available for use during the hours the elevator is in operation.~~ Training shall include at least conveyance operation and emergency procedures ~~such as entrapment, elevator fire, earthquake conditions, or other emergency procedures associated with conveyance operations.~~

(2) There shall be an ~~effective~~ means of two-way ~~voice~~ communication ~~provided~~ between the operator and a ~~second person at a different location on the jobsite that is staffed available at all hours times during while the elevator is staffed by an operator elevator operation.~~

**STANDARDS PRESENTATION  
TO  
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

Attachment No. 1

Page 20 of 24

PROPOSED STATE STANDARD,  
TITLE 8, CHAPTER 4

(3) There shall be an effective means of two-way voice communication (wired or wireless) between the conveyance operator and all hall landings. A separate communication system shall be provided at each landing and be operable at all times while the elevator is in use during all hours of operation, i.e., an annunciator next to the operator's station in the car, which can be activated from the landings.

(4) An emergency plan and procedure to include items such as entrapment, elevator fire, earthquake conditions, or other emergency procedures associated with conveyance operations shall be developed and made available to the Division during any inspection.

(5) When permanent doors are installed, approved interlocks shall be provided.

(6) A durable sign with lettering not less than 1/2 inch on a contrasting background shall be conspicuously posted inside the elevator car indicating that:

(A) The conveyance is for construction use only.

(B) The conveyance shall be operated only by an authorized person.

(7) Durable signs with lettering not less than 1/2 inch on a contrasting background shall be conspicuously posted at all landings instructing the elevator user how to summon the conveyance.

(8) The conveyance shall be parked and secured against unauthorized access after working hours.

NOTE: Authority cited: Sections 142.3 and 7323, Labor Code. Reference: Sections 142.3 and 7323, Labor Code.

§3141.11. Escalators.

Escalators ~~covered in ASME A17.1-2004~~ shall comply with ASME A17.1-2004, section 6.1, and with Group III, section 3126.6(b).

NOTE: Authority cited: Sections 142.3 and 7323, Labor Code. Reference: Sections 142.3 and 7323, Labor Code.

§3141.12. Moving Walks.

Moving walks ~~covered in ASME A17.1-2004~~ shall comply with ASME A17.1-2004, section 6.2, and with Group III, section 3127.6(b).

**STANDARDS PRESENTATION  
TO  
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

Attachment No. 1

Page 21 of 24

PROPOSED STATE STANDARD,  
TITLE 8, CHAPTER 4

NOTE: Authority cited: Sections 142.3 and 7323, Labor Code. Reference: Sections 142.3 and 7323, Labor Code.

§3141.13. Seismic Requirements.

(a) Conveyances ~~covered by ASME A17.1-2004~~ shall comply with the seismic requirements in ASME A17.1-2004, section 8.4, and with Group III, sections 3137(a) and 3137(b).

(b) Escalators covered by ASME A17.1-2004 shall comply with the seismic requirements in Group III, section 3137(d).

NOTE: Authority cited: Sections 142.3 and 7323, Labor Code. Reference: Sections 142.3 and 7323, Labor Code.

Add new Article 42 and new Sections 3142, 3142.1, and 3142.2 as follows:

Article 42. Conveyances Covered by ASME A18.1-2003

§3142. General Requirements.

(a) Conveyances covered by ASME A18.1-2003, section 1.1, Scope, and Article 42 of Title 8 shall comply with ASME A18.1-2003, Safety Standard for Platform Lifts and Stairway Chairlifts, which is hereby incorporated by reference, and the following:

(1) Group II, sections 3094.2(r) and 3094.5.

(2) Power doors shall comply with ANSI/BHMA A156.19-1997, American National Standard for Power Assist and Low Energy Power Operated Doors, which is hereby incorporated by reference.

(b) Acceptance inspections and tests shall comply with ASME A18.1-2003, section 10.4, that are applicable to the type of elevator installed or altered.

(c) Periodic inspections shall comply with ASME A18.1-2003, section 10, applicable for the type of elevators involved.

(d) Periodic tests shall comply with section 3141.6(c), (e), and (f) and ASME A18.1-2003, section 10.3.

(e) Periodic tests shall be witnessed by a Certified Competent Conveyance Inspector (CCCI) ~~employed by a Certified Qualified Conveyance Inspection Company (CQCIC)~~ or, ~~if a CQCIC is not available, by~~ a Division CCCI. Periodic

**STANDARDS PRESENTATION  
TO  
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

Attachment No. 1

Page 22 of 24

PROPOSED STATE STANDARD,  
TITLE 8, CHAPTER 4

tests witnessed by a CCCI shall be reported to the Division by the CCCI on a form provided by the Division, or equivalent, within 21 days of the test. The information required to be reported shall include:

- (1) The name of the ~~CQCIC and the~~ CCCI witnessing the test;
- (2) Type of test performed;
- (3) Name of the CQCC and CCCM who performed the test;
- (4) The date of the test; and
- (5) Results of the test.

NOTE: Authority cited: Sections 142.3 and 7323, Labor Code. Reference: Sections 142.3 and 7323, Labor Code.

§3142.1. Vertical Platform Lifts.

Vertical platform lifts ~~covered by ASME A18.1-2003~~ shall comply with ASME A18.1-2003, sections 2 and 5, which is hereby incorporated by reference, and with Group II, sections 3094.2(d), 3094.2(e), 3094.2(g), and 3094.2(p).

NOTE: Authority cited: Sections 142.3 and 7323, Labor Code. Reference: Sections 142.3 and 7323, Labor Code.

§3142.2. Inclined Platform Lifts.

Inclined platform lifts ~~covered by ASME A18.1-2003~~ shall comply with ASME A18.1-2003, sections 3 and 6, which is hereby incorporated by reference, and with Group II, sections 3094.3(e), 3094.3(f), 3094.3(g), and 3094.3(h), except 3094.3(h)(2) and with Sections 3094.3(j) and 3094.3(k).

NOTE: Authority cited: Sections 142.3 and 7323, Labor Code. Reference: Sections 142.3 and 7323, Labor Code.

Add new Article 43 and new Section 3143 as follows:

Article 43. Automated Guided Transit Vehicles with an Exclusive Right-of-Way

§3143. Automated People Movers.

**STANDARDS PRESENTATION  
TO  
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

Attachment No. 1

Page 23 of 24

PROPOSED STATE STANDARD,  
TITLE 8, CHAPTER 4

Automated people mover conveyances shall comply with ASCE 21, Part 1 (1996), Part 2 (1998), and Part 3 (2000), Automated People Mover Standards, which are hereby incorporated by reference.

NOTE: Authority cited: Sections 142.3 and 7323, Labor Code. Reference: Sections 142.3 and 7323, Labor Code.

Add new Article 44 and new Sections 3144, 3145, and 3146 as follows:

Article 44. Hand Power Man Platforms, Manlifts, and Vertical and Inclined Reciprocating Conveyors

§3144. Hand Power Man Platforms.

Hand power man platforms shall comply with Group II, Article 16.

NOTE: Authority cited: Sections 142.3 and 7323, Labor Code. Reference: Sections 142.3 and 7323, Labor Code.

§3145. Manlifts.

Manlifts shall comply with Group II, Article 17.

NOTE: Authority cited: Sections 142.3 and 7323, Labor Code. Reference: Sections 142.3 and 7323, Labor Code.

§3146. Vertical and Inclined Reciprocating Conveyors.

Vertical and inclined reciprocating conveyors shall comply with Group II, Article 12.5.

NOTE: Authority cited: Sections 142.3 and 7323, Labor Code. Reference: Sections 142.3 and 7323, Labor Code.

## Summary and Responses to Oral and Written Comments

**OCCUPATIONAL SAFETY  
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Website address [www.dir.ca.gov/oshsb](http://www.dir.ca.gov/oshsb)**SUMMARY AND RESPONSES TO ORAL AND WRITTEN COMMENTS****I. Written Comments**

Mr. Richard C. Blaska, Principal, RCB Elevator Consulting, by letter dated April 4, 2007.

**Comment No. 1:**

Mr. Blaska states that shunt trips are not favored and that shunt trips should be optional. He suggests that the Group IV regulations be referenced in such a way in the Group II and Group III regulations so that when Group II and Group III elevators are rehabilitated, the stunt trips may be removed.

**Response:**

The Board believes this comment has merit to the extent that the shunt trip device be applied uniformly. Therefore, the option to provide the shunt-trip device is proposed to be deleted. Instead, section 2.8.2.2.2 of ASME A17.1-2004 that provides for the shunt-trip device is proposed to be incorporated by reference for Group IV conveyances. The proposal provides consistency with Group II and Group III standards; and with the State Building Code, Title 24, Part 9, wherein the shunt-trip device is required, adopted recently by the State Fire Marshal.

**Comment No. 2:**

Mr. Blaska commented that Group II elevators in seismic deficient buildings are not required to be upgraded seismically to comply with seismic requirements when the building is upgraded. Mr. Blaska asked whether seismically non-compliant elevators in buildings not seismically adept (installed pursuant to 1975 Elevator Safety Orders) remain as they are, or whether these elevators require seismic retrofit when the buildings are seismically retrofitted? Also, he stated that no seismic provisions are provided for elevators installed pursuant to Group III standards. Mr. Blaska believes this oversight is corrected by proposed section 3000(h)(2) that specifies alterations shall comply with seismic requirements in section 8.4 of ASME A17.1-2004 as proposed in section 3141.2. However, Mr. Blaska noted that proposed section 3141.2 appears to indicate that only elevator apparatus that was altered needs to comply with the seismic requirements because of the phrase "that are applicable to the alteration" in proposed section 3141.2(b).



Response:

The Board accepts the comment regarding section 3141.2 to the extent that the Board proposes to modify section 3141.2(b) to remove the phrase “that are applicable to the alteration” that causes the ambiguity regarding alterations.

Regarding the remaining comments, the Board notes that the Division is confident that the elevators installed pursuant to Group III standards are seismic compliant because it is industry practice to install seismic compliant elevators in seismic compliant structures, even though seismic requirements are not provided in Group III standards. Regarding retrofit of seismically non-compliant elevators installed pursuant to the 1975 Elevator Safety Orders, retrofit requirements for any elevators are not within the scope of this rulemaking, and therefore, will not be addressed in this proposal.

Comment No. 3:

Mr. Blaska stated that this proposal does not contain proposed standards for submittal of plans to the Division for review.

Response:

The Board notes that standards for plan submittal and review are not within the scope of this rulemaking, and therefore, will not be addressed in this proposal.

Mr. Richard C. Blaska, Principal, RCB Elevator Consulting, by letter dated April 19, 2007.

Comment No. 4:

Mr. Blaska is concerned about seismic safety of existing elevators covered by Group II and Group III standards. He states that this proposal does not require structural or seismic upgrading of deficient structural systems even if the other mechanical elevator equipment undergoes alterations. Mr. Blaska provides numerous examples of extensive elevator modernization while the structural seismic deficiencies are not corrected because the existing elevators standards do not require the structural deficiencies to be corrected.

Mr. Blaska agrees that requiring upgrading of existing structural seismic deficiencies could place a burden on the general public. He notes that on other occasions, the State required all affected elevators to be retrofitted as a result of the American with Disabilities Act (ADA) and the Fire Service code revisions. Mr. Blaska states that if retrofitting is not possible, then he suggests that retrofitting to correct seismic deficiencies should be required when existing elevators undergo alterations (modernization).

Response:

The Board appreciates Mr. Blaska's concerns regarding his belief that structural seismic deficiencies on existing elevators are not addressed in this proposal. However, it is the Board's intention that this proposal focuses on and addresses new conveyances installed after the effective date of this proposal and does not address existing elevators at this time. The Board states that standards regarding retrofitting of existing elevators are not within the scope of this rulemaking, and therefore, will not be addressed in this proposal.

The Board thanks Mr. Blaska for his comments and his interest regarding this proposal.

Mr. Lou Bialy, Chair of NEII Central Code Committee, Otis Elevator Company, by letter dated April 2, 2007.

Comment No. 1:

Mr. Bialy proposes to include section 8.5.3.2. of ASME A17.1-2004 in the exceptions listed in proposed section 3141, Scope, to eliminate conflicting requirements between Title 8 and the ASME Code regarding escalator seismic requirements while retaining the change California wants to the story drift and lateral motion.

Response:

The Board does not accept this comment. The Board believes no inconsistency exists between Title 8 and the ASME Code because the proposed amendment to existing section 3137(d)(2)(C) specifies a more stringent standard than section 8.5.3.2 of ASME A17.1-2004.

Comment No. 2:

Mr. Bialy proposes to correct a typographical error in proposed section 3141.7(a)(2) to modify the reference to section 2.11.1.2 of ASME A17.1-2004 instead of section 2.11.1.1 of ASME A17.1-2004.

Response:

The Board accepts this comment. The correct ASME A17.1-2004 section is 2.11.1.2 and not section 2.11.1.1.

Comment No. 3:

Mr. Bialy proposes to revise proposed section 3141.8(a)(3) to indicate that the stop switch shall comply with section 2.26.2.5(a) through (c), exclusively. Mr. Bialy contends that specifically excluding subsection (d) that requires an audible device when the stop switch actuates would be consistent with current practices regarding switches.

Response:

The Board accepts this comment. Proposed section 3141.8(a)(3), modified to section 3141.8(c), is proposed to be modified to require that the stop switch shall comply with section 2.26.2.5(a) through (c) of ASME A17.1-2004.

Comment No. 4:

Mr. Bialy proposes to modify section 3141.8(a)(4) to allow the Division to approve technological innovations outside the temporary experimental variance process. He believes that this modification will allow the Division to control/monitor alternate suspension installations for equivalent safety, while eliminating the need for site-by-site variance applications.

Response:

The Board does not accept this comment. The Division's authority to grant temporary experimental variances is established by statute, and regulations may not exceed statutory authority. Since the Division's temporary experimental variance authority is already established by existing provisions of the law, proposed section 3141.8(a)(4) is to be deleted.

Comment No. 5:

Mr. Bialy proposes to revise the reference to section 3137(d) specified in proposed section 3141.13(b) to specify section 3137(d)(2) to eliminate conflicting requirements between Title 8 and ASME A17.1-2004, section 8.4.

Response:

The Board does not accept this comment. The Board does not perceive the conflict between Title 8 and section 8.4 of ASME A17.1-2004.

Comment No. 6:

In proposed section 3147.13(6), Mr. Bialy proposes to delete the reference to section 3106.1 that is inconsistent with ASME A17.1-2004.

Response:

The Board accepts this comment, noting that the commenter apparently meant section 3141.7(a)(6). Therefore, a modification is proposed to delete the reference to section 3106.1 in proposed section 3141.7(a)(6).

The Board thanks Mr. Bialy for his comments and his interest regarding this proposal.

Mr. James L. Meyer, President, James Meyer Consulting, Inc., by letter dated April 12, 2007.

Comment No. 1:

Mr. Meyer suggests the term “device” in section 3000(c) be changed to “conveyance” to be consistent with the Labor Code. He stated that the devices listed in section 3000(c)(1) through (15) are not included under the term “elevator” in the Labor Code. He further noted that devices included in section 3000(c) are not all included in the definition of “elevator” in ASME A17.1.

Response:

The Board recognizes that the term “conveyance” used in the Labor Code mandate is not part of the elevator terminology in the existing Elevator Safety Orders. The Board also notes that the term “conveyance” is not used in ASME A17.1-2004.

The Board believes this disparity is not an inconsistency. The Board contends that it is rather a matter of preference between the use of the term “conveyance” in the Labor Code; and use of the term “elevator” in the existing Elevator Safety Orders and the ASME A17.1-2004 Code. The Board opts to use the term “conveyance” only in the proposed Group IV standards, consistent with the Labor Code mandate, even though the existing Elevator Safety Orders and ASME A17.1 code uses “elevators”. Therefore, the Board does not accept this comment.

Comment No. 2:

Mr. Meyer proposes that section 3000(d) be revised to exclude maintenance lifts that are used to access underground sewage control pumping stations in response to the Decision on Petition No. 488.

Response:

The Board does not accept this comment. Proposed revisions pursuant to a petition decision to existing section 3000(d) is not within the scope of this rulemaking, and therefore, will not be addressed in this proposal.

Comment No. 3:

Mr. Meyer states that section 3000(f) uses the term “devices” whereas the Labor Code uses “conveyance”.

Response:

The Board does not accept this comment. See the Board’s “Response” to Comment No. 1 from Mr. Meyer.

Comment No. 4:

Mr. Meyer notes that regulations neither exist nor are proposed on procedures for obtaining certification for CCCI (Competent Certified Conveyance Inspector), CCCM (Certified Competent Conveyance Mechanic), CQCC (Certified Qualified Conveyance Company), and CQCIC (Certified Qualified Conveyance Inspection Company).

Response:

The Division has procedures for certifying and has certified CCCI (Competent Certified Conveyance Inspector), CCCM (Certified Competent Conveyance Mechanic), and CQCC (Certified Qualified Conveyance Company). Therefore, the Board does not accept this part of the comment. However, the Board does accept the comment regarding CQCIC (Certified Qualified Conveyance Inspection Company). Therefore, the requirement for Certified Qualified Conveyance Inspection Company and reference thereto is proposed to be deleted.

Comment No. 5:

Mr. Meyer believes the term “conveyance” should be used in this proposal to be consistent with the Labor Code.

Response:

The Board does not accept this comment. With respect to the term “conveyance”, see the Board’s “Response” to Comment No.1 from Mr. Meyer.

Comment No. 6:

Mr. Meyer states that section 3094.2(p) contains proposed dimensions for platforms on existing vertical platform lifts. Mr. Meyer believes the effect of this proposal may require reconfiguration of existing platforms. He also questions if a review of existing lifts has been done to make sure this is not true.

Response:

The Board believes that this proposal does not require retrofit of existing platforms on vertical platform lifts. The proposed amendment to existing section 3094.2(p) provides only clarification on the increase and decrease of the dimensions. The resultant platform dimensions listed in existing Table 3093.46(b) are not revised. Therefore, the Board does not accept this comment.

Comment No. 7:

Mr. Meyer states that Section 3140 and proposed Group IV standards should reference and adopt the latest addenda and supplement to ASME A17.1-2004 since Labor Code, section 7323, requires the Board to adopt the latest revisions to ASME A17.1 or regulations at least as effective as these revisions. Mr. Meyer contends that this proposal does not contain standards at least as effective as because the addenda requirements are not included in the proposal.

Response:

The Board does not concur with this comment. Labor Code, section 7323, requires only that the Board adopt the conveyance code standards at least as effective as those standards in effect prior to September 30, 2002. The Board is of the opinion that this proposal complies with and exceeds the Labor Code mandate because this proposal contains code standards considered at least as effective as the more current editions of the codes in effect prior to the date indicated in the Labor Code. The Board contends that the fact that this proposal does not contain standards from later editions of the code does not make this proposal less effective. Standards at least as effective as later addendum or code revisions will be considered at a later date. The Labor Code makes provisions for additional final rulemakings resulting from code revisions or addendum that shall be provided for Board review and adoption, at which time Mr. Meyer's concerns would be considered.

Comment No. 8:

Mr. Meyer contends that it is not necessary to refer to ASME A17.1-2004 and the specific section in proposed sections 3141.1, 3141.2(a), 3141.3(a), 3141.4(a), 3141.5, 3141.6(a) and 3141.9 because section 3141 already indicates that conveyances covered by ASME shall comply with ASME A17.1-2004.

Response:

The Board partially accepts this comment. The phrase "covered by ASME A17.1-2004" is deleted from sections 3141.1, 3141.2(a), 3141.8, and 3141.9 since the intended effect of this phrase, and the phrase is stated in proposed Article 41 and proposed section 3141.

However, in sections 3141.3(a), 3141.4(a), 3141.5, 3141.6(a), 3141.11, 3141.12, and 3141.13(a) and (b), the references to the phrase "covered by ASME A17.1-2004" are necessary by the way the standards are written and also because particular sections of ASME A17.1-2004 are specified. Specifying the phrase "covered by ASME A17.1-2004" clarifies that the sections pertain to the ASME Code and not sections within Title 8.

Comment No. 9:

Mr. Meyer states that proposed section 3141.7(a)(13) should reference section 3013(c)(1) instead of section 3013(c).

Response:

The Board accepts this comment. Therefore, a modification is proposed to reflect the correct reference to section 3013(c)(1) in section 3141(a)(13).

Comment No. 10:

Mr. Meyer proposes to delete proposed section 3141.7(b) regarding medical emergency service that would conflict with the “NOTE” that also concerns medical emergency service elevators in Title 24 standards. Mr. Meyer recommends that the “NOTE” be retained.

Response:

The Board does not accept this comment. It should be noted that the “NOTE” does not constitute a regulation. Instead, a modification is proposed to delete the “NOTE” concerning the Title 24 standard. This “NOTE” is redundant since elevator construction necessarily is required to comply with applicable Title 24 standards. Proposed section 3141.7(b), Medical Emergency Service, is retained since the requirements on pertinent elevator medical emergency service are specified in Group II, section 3141(e). Therefore, a modification is proposed to specify that “Elevators utilized to provide medical emergency service shall comply with Group II, section 3041(e).”

Comment No. 11:

In commenting on proposed section 3141.8(a)(4), Mr. Meyer states that this proposal should contain an approval method for the alternate suspension systems that does not involve variances, especially since the alternate suspension systems have already gone through temporary and permanent variances.

Response:

The Board does not accept this comment. See the Board’s Response to Mr. Bialy’s Comment No. 4.

Comment No. 12:

Mr. Meyer recommends that proposed section 3141.11 should read “Escalators covered by ASME A17.1-2004 shall comply with Group III, section 3126.6(b).” Mr. Meyer believes that the reference to ASME A17.1-2004, section 6.1, is not necessary because proposed section 3141 already cites ASME A17.1-2004.

Response:

The Board does not concur with Mr. Meyer’s suggestion. The reference to ASME A17.1-2004, section 6.1, in proposed section 3141.11 is necessary to clarify that compliance consists in conforming with the specified section of the ASME A17.1 Code and the other specified Title 8 standard.

However, a modification is proposed to delete the phrase “covered by ASME A17.1-2004” to avoid redundancy since the intended effect of this phrase, and the phrase is stated in proposed Article 41 and proposed section 3141.

Comment No. 13:

Mr. Meyer recommends that proposed section 3141.12 should read “Moving walks covered by ASME A17.1-2004 shall comply with Group III, section 3127.6(b).” Mr. Meyer believes that the reference to ASME A17.1-2004, section 6.2, is not necessary because proposed section 3141 already cites ASME A17.1-2004.

Response:

The Board does not concur with Mr. Meyer’s suggestion. The reference to ASME A17.1-2004, section 6.2, in proposed section 3141.12 is necessary to clarify that compliance consists in conforming with the specified section of the ASME A17.1 Code and the other specified Title 8 standard.

However, a modification is proposed to delete the phrase “covered by ASME A17.1-2004” to avoid redundancy since the intended effect of this phrase, and the phrase is stated in proposed Article 41 and proposed section 3141.

Comment No. 14:

Mr. Meyer recommends that proposed section 3141.13 should read “Conveyances covered by ASME A17.1-2004 shall comply with Group III, sections 3137(a) and 3137(b).” Mr. Meyer believes that the references to the seismic requirements and to ASME A17.1-2004, section 8.4, are not necessary because proposed section 3141 already cites ASME A17.1-2004.

Response:

The Board does not concur with Mr. Meyer’s suggestion. The reference to ASME A17.1-2004, section 8.4, in proposed section 3141.13 is necessary to clarify that compliance consists in conforming with the specified section of the ASME A17.1 Code and the other specified Title 8 standards.

However, modifications are proposed to delete the phrase “covered by ASME A17.1-2004” in proposed section 3141.13(a) and (b) to avoid redundancy since the intended effect of this phrase, and the phrase is stated in proposed Article 41 and proposed section 3141.

Comment No. 15:

Mr. Meyer believes that the referenced code in proposed section 3142 should be ASME A18.1-2005 and not ASME A18.1-2003, because ASME A18.1-2005 is the latest edition.

Response:

The Board does not concur with this comment. Labor Code, section 7323, requires only that the Board adopt the conveyance code standards at least as effective as those standards in effect prior to September 30, 2002. The Board is of the opinion that this proposal complies with and exceeds the Labor Code mandate because this proposal contains code standards considered at least as



effective as the more current editions of the codes in effect prior to the date indicated in the Labor Code. The Board contends that the fact that this proposal does not contain standards from addenda of later editions of the code does not make this proposal less effective. Standards at least as effective as later addendum or code revisions will be considered at a later date. The Labor Code makes provisions for additional final rulemakings resulting from code revisions or addendum that shall be provided for Board review and adoption, at which time Mr. Meyer's concerns would be considered.

Comment No. 16:

Mr. Meyer believes that the phrase "with ASME A18.1-2003, sections 2 and 5, which is hereby incorporated by reference, and" in proposed section 3142.1 is not necessary because proposed section 3142 already references ASME A18.1-2003.

Response:

The Board does not accept this comment. The reference to ASME A18.2-2003, sections 2 and 5, in proposed section 3142.1 is necessary to clarify that compliance consists in conforming with the specified sections of the ASME A18.1 Code and the other specified Title 8 standards.

However, a modification is proposed to delete the phrase "covered by ASME A18.1-2003" in proposed section 3142.1 to avoid redundancy since the intended effect of this phrase, and the phrase is stated in proposed Article 42 and proposed section 3142(a).

Comment No. 17:

Mr. Meyer believes that the phrase "with ASME A18.1-2003, sections 3 and 6, which is hereby incorporated by reference, and" in proposed section 3142.2 is not necessary because proposed section 3142 already references ASME A18.1-2003.

Response:

The Board does not accept this comment. The reference to ASME A18.1-2003, sections 3 and 6, in proposed section 3142.2 is necessary to clarify that compliance consists in conforming with the specified sections of the ASME A18.1 Code and the other specified Title 8 standards.

However, a modification is proposed to delete the phrase "covered by ASME A18.1-2003" in proposed section 3142.2 to avoid redundancy since the intended effect of this phrase, and this specific phrase is stated in proposed Article 42 and proposed section 3142(a).

Comment No. 18:

Mr. Meyer's letter addresses page 16 of the Informative Digest, under new Section 3141. Scope. He notes that the second paragraph specifies "ASTM" and this reference should be "ASME".

Response:

The Board accepts this comment and will note in this response this inadvertent error regarding “ASME” in the Informative Digest.

Comment No. 19:

Mr. Meyer’s letter addresses page 22 of the Informative Digest, under new section 3141.7(a)(14). He notes that the effect statement should indicate that the pit “may” be provided with a water removal system and should not state that the pit “must” be provided with a water removal system. Mr. Meyer notes that the referenced section 3120.6(c) and (d) indicate permissive installation and not required installation.

Response:

The Board accepts this comment and will note in this response that this statement in the Informative Digest should read “permissively”, and not as a “requirement.”

The Board thanks Mr. Meyer for his comments and his interest regarding this proposal.

Mr. Davis L. Turner, Principal, Davis L. Turner & Associates, LLC, by letter dated April 10, 2007.

Comment No. 1:

Mr. Turner encourages the Board to adopt the latest editions of A18.1 and ASCE 21 as indicated in Labor Code section 7323. He also states that two addenda and a major supplement of ASME A17.1-2004 are not considered in this proposal. Mr. Turner states that ASME A17.1-2007 will be issued shortly and he urges the Board to encourage the Division to review and propose adoption of this later edition.

Response:

The Board does not concur with Mr. Turner’s comment. The Board notes that Labor Code section 7323 indicates that the Division is required to propose to the Standards Board standards that include provisions at least as effective as ASME A17.1, ASME A18.1, and ASCE 21, in effect prior to September 30, 2002. The Division in its proposal exceeded or complies with this mandate by proposing more current editions of these publications that are: the ASME A17.1-2004 and A18.1-2003 editions of these publications, the ASCE 21 publication in effect on September 30, 2002 was the 1996 edition of the ASCE 21; therefore, no later edition was required to be included in this proposal.

If further rulemaking is needed, Labor Code section 7323 provides for the Division to propose to the Board at a later date additional final rulemaking for any revisions or substantive revisions to any addendum of these codes.

Comment No. 2:

Mr. Turner states that the section reference in proposed section 3141.7(a)(2) should be section 2.11.1.2, and not section 2.11.1.1.

Response:

The Board accepts this comment and will correct this inadvertent typographical error. Therefore, a modification is proposed to correct this reference to section 2.11.1.2.

Comment No. 3:

Mr. Turner states that section 3141 should read “Conveyances covered by ASME A17.1-2004, section 1.1, Scope, and Article 1, section 3000 of Title 8 shall comply with ASME A17.1-2004, Safety Code for Elevator and Escalators, except sections 1.1.2, 1.1.3, 2.2.5, 2.7.6, 2.11.1.2, 2.11.1.4, 2.12.6, 2.14.2.2(f) and 2.14.2.6, which is hereby incorporated by reference..”

Mr. Turner states that in Section 3141, the reference to Article 41 should be deleted because it is circuitous. Mr. Turner believes that a reference to Article 1, section 3000, should be included because section 3000 lists conveyances included, excluded, and prohibited. He notes that section 1.1.2 of ASME A17.1-2004 lists equipment not covered by the A17.1 code. He further notes that this list is contained in Article 1, Section 3000(c) of Title 8. Mr. Turner further believes that this list of “not covered” or “excluded devices” is redundant and possibly contradictory. Mr. Turner also states that section 1.1.3 of ASME A17.1-2004 makes certain parts of the standard retroactive.

Response:

The Board does not concur that the reference to Article 41 should be deleted. The Board believes that Article 41 is necessary to include conveyances in Group IV. Mr. Turner’s suggestion to include section 3000 is not accepted because section 3000 is a Group I standard that already applies to Group IV standards. Mr. Turner’s suggestion to list section 1.1.2 as an exception is not accepted because the list of equipment in section 1.1.2 and section 3000(a), although similar, are not redundant since section 1.1.2 lists certain equipment covered in other codes. However, Mr. Turner’s suggestion to include section 1.1.3 as an exception is accepted.

Comment No. 4:

Mr. Turner suggests that a modification should be made to clarify that the construction elevators excluded in existing section 3000(d)(11) are construction elevators installed prior to the effective date of these proposed standards. Also, Mr. Turner believes a modification should be made to include in existing section 3000(c) those construction elevators installed after the effective date of this proposal (installed pursuant to Group IV standards).

Response:

The Board does not accept this comment to amend existing section 3000(d)(11) to indicate that the construction elevators excluded in existing section 3000(d)(11) are construction elevators installed prior to the effective date of these proposed standards because the construction elevators in existing subsection 3000(c)(11) are elevators not covered by the Elevator Safety Order as stated in existing section 3000(d). In addition, Mr. Turner's comment regarding section 3000(c) is not accepted because it is already stated that elevators used for construction covered in ASME A17.1-2004 are included in proposed Group IV standards and that Group IV standards shall be operative on or after the effective date of this proposal.

Comment No. 5:

Mr. Turner states that Labor Code, section 7300, does not recognize a Certified Qualified Conveyance Inspection Company. He asks if it is the intent of the Division to recognize third party CCCI's for witnessing tests. In addition, Mr. Turner questions the qualifications for a Certified Qualified Conveyance Inspection Company.

Response:

The Board accepts this comment. Modifications are proposed to delete requirements and references to Certified Qualified Conveyance Inspection Company in proposed section 3141.6, Periodic Tests, and in proposed section 3142, General Requirements.

Comment No. 6:

Mr. Turner states that existing section 3001, Permit to Operate, requires re-inspection of devices covered by existing regulations, and existing section 3003, Qualifications for Certified Inspectors, specifies qualifications for Qualified Elevator Inspectors. He indicates that no changes are proposed for these two sections to provide compatibility with proposed section 3141.5 that incorporates Rule 8.11.1 of ASME A17.1-2004 requiring inspection by Qualified Elevator Inspectors. Mr. Turner asks if it is the intent of the Division to allow third party inspectors to perform periodic inspections/re-inspections? He also asks will the Division require that its inspectors be Qualified Elevator Inspectors?

Response:

The Board accepts this comment to the extent that the Board proposes a modification to clarify the standing of ASME Qualified Elevator Inspectors (QEI) as mentioned in ASME A17.1-2004, section 8.11.1.1. The Board proposes a modification to exclude section 8.11.1.1 of ASME A17.1-2004 regarding inspections performed by QEI's in section 3141.5, Periodic Inspections. Therefore, inspectors authorized to conduct periodic inspections will be Division inspectors or inspectors authorized by the Division, pursuant to section 8.11.1.1 of ASME 17.1-2004. This modification to delete section 8.11.1.1 also nullifies the question regarding third party inspectors and their qualifications because only the Division inspectors or inspectors authorized by the Division will conduct inspections pursuant to section 8.11.1.1 of ASME A17.1-2004.

Comment No. 7:

Mr. Turner states that existing section 3001(a) regarding permit to operate should be amended to cover plan check as mandated by Labor Code 7301.1.

Response:

The Board notes that Labor Code 7301.1 does not include requirements on plan checks. In addition, the requirements for plan checks are not within the scope of this rulemaking, and therefore, will not be addressed in this proposal.

Comment No. 8:

Mr. Turner states that section 3141 adopts ASME A17.1-2004 and sections 2.2.2.5, 2.76, 2.11.1.2, 2.11.1.4, 2.12.6, 2.14.2.2(f), and 2.14.2.6 are excluded. He questions if this means that any section not excluded by reference is adopted by reference? He states, if so, then section 1.1.3 of ASME A17.1-2004 indicates that this code apply to new installations, except certain parts that apply to both new and existing installations. Mr. Turner questions if it is the intent to adopt retroactive orders as stated in section 1.1.3.

Response:

The Board accepts this comment to the extent that the Board proposes a modification to exclude section 3.1.1 of ASME A17.1-2004 in section 3141, Scope. This modification to exclude section 3.1.1 of ASME A17.1-2004 nullifies the issues that are of concern to Mr. Turner. It is not the Board's intent to address retroactive orders because retroactive requirements are not within the scope of this rulemaking, and therefore, will not be addressed in this proposal.

The Board thanks Mr. Turner for his comments and his interest regarding this proposal.

Mr. D.A. Swerrie, Safety Engineer, by letter dated April 17, 2007.

Comment 1:

Mr. Swerrie states that the best way for the State to keep up with developments in the elevator industry is to follow ASME A17.1 and ASME A17.3 as closely as possible.

Response:

The Board does not accept this comment. The Board notes that Labor Code section 7323 indicates that the Division is required to propose to the Standards Board standards that include provisions at least as effective as ASME A17.1, ASME A18.1, and ASCE 21, in effect prior to September 30, 2002. The Division in its proposal exceeded or complies with this mandate by proposing more current editions of these publications that are: the ASME A17.1-2004 and A18.1-2003 editions of these publications, the ASCE 21 publication in effect on September 30, 2002 was the 1996 edition of the ASCE 21; therefore, no later edition was required to be included in this proposal.

If further rulemaking is needed, Labor Code section 7323 provides for the Division to propose to the Board at a later date additional final rulemaking for any revisions or substantive revisions to any addendum of these codes.

Comment No. 2:

Mr. Swerrie takes exception with the statement that the Elevator Safety Orders in Title 8 are at least as effective or more stringent than the provisions of ASME A17.3.

Response:

The Board does not accept this comment. The Division reviewed the provisions of ASME A17.3 and determined that Title 8 provisions are at least as effective as or are more stringent.

Comment No. 3:

Mr. Swerrie recommends revising the word “conveyance” to the word “conveyances” in proposed section 3140(a).

Response:

The Board accepts this comment. Therefore, an editorial modification to specify the word “conveyances” is proposed in section 3140(a).

Comment No. 4:

Mr. Swerrie's comment concerns section 3141.6(d) that addresses conveyance inspections performed by conveyance inspectors working for an inspection agency rather than by an inspector working for the Division. He asks whether the proposal represents a change of policy.

Response:

The Board accepts this comment. Therefore, the portion of proposed section 3141.6(d), modified as section 3141.6(e), that allows inspections of conveyances by inspectors employed by inspection companies has been deleted. In addition, reference to Certified Qualified Conveyance Inspection Company (CQCIC) in proposed section 3142(e) has also been modified to be deleted.

Comment No. 5:

Mr. Swerrie suggests that the light switch required in proposed section 3141.7(a)(3)(A) be modified to indicate that the light switch be located inside the machine room on the strike side of the machine room door if a machine door is provided.

Response:

The Board accepts this comment. Therefore, a modification to section 3141.7(a)(3)(A) is proposed to indicate that the light switch shall be located inside the machine room on the strike side of the machine room door if a machine room door is provided.

Comment No. 6:

Mr. Swerrie questions if the requirement proposed in section 3141.7(a)(8) is necessary and states that section 2.27.3.4 of A17.1-2004 does not specify that two floors of movement are permitted upon resumption of power.

Response:

The Board believes the requirement to limit the two floor movement upon resumption of power is necessary to reduce the probability of the car stopping on a landing engulfed in flames or smoke or subject to some other unsafe condition during an emergency. However, the Board accepts the second part of Mr. Swerrie's comment. Therefore, modifications are proposed to section 3141.7(a)(8) to delete the statement that presumes section 2.27.3.4 of A17.1-2004 permits two floor movement.

Comment No. 7:

Mr. Swerrie states that he does not understand the requirement of proposed section 3141.7(a)(11) and asks when reduced diameter governor ropes are to be used.

Response:

The provision in proposed section 3141.7(a)(11) is an option to allow the use of reduced diameter governor rope provided the stipulated conditions are complied with. The Board further states that this option is provided to accommodate new technologies that provide ropes of smaller diameter with equal or more strength. An editorial modification is proposed to replace the phrase “shall be permitted to be used” with the phrase “is permissible” to improve the wording of this provision.

Comment No. 8:

Mr. Swerrie contends that ASME A17.1-2005 should be the referenced document adopted for electric and hydraulic elevators rather than the ASME A17.1-2004 version.

Response:

The Board does not accept this comment. The Board notes that adoption of ASME A17.1-2005 by reference for electric and hydraulic conveyances, is not within the scope of this rulemaking, and therefore, will not be addressed in this proposal.

Comment No. 9:

Mr. Swerrie contends that section 3141.8(a)(4) should be deleted. Mr. Swerrie believes that experimental variances are not for elevators used by the public.

Response:

The Board accepts this comment. A modification is proposed to delete proposed section 3141.8(a)(4), since existing provisions of the law govern temporary and experimental variances.

Mr. D.A. Swerrie, Safety Engineer, by letter dated April 18, 2007.

Comment No. 10:

Mr. Swerrie proposes that section 3141 be modified to indicate that car safeties, when provided in hydraulic conveyances, shall be safeties that conform to section 2.17 and sections 3.17.1 through 3.17.1.3 of ASME A17.1-2004. Mr. Swerrie also proposes that plunger grippers that comply with section 3.17.3 of ASME A17.1-2004 may be provided in lieu of car safeties for hydraulic conveyances. Mr. Swerrie further states that plunger grippers are just as effective as safeties for retarding, stopping, and holding the car.



Response:

The Board does not accept these comments. Proposed section 3141 does not prohibit the type of car safeties or plunger grippers suggested in this comment.

Comment No. 11:

Mr. Swerrie compares governor rope made of steel as required by ASME A17.3 and manila rope. He describes the disadvantages of manila ropes and the performance effects by stating that manila ropes shrink and stretch too much and require continuing attention. He also believes that too much shrinkage could cause unnecessary entrapment and too much stretch may permit the safeties not to set should an over-speed occur. Mr. Swerrie notes that elevators equipped with manila governor ropes are all 70 to 80 years old or older.

Therefore, Mr. Swerrie does not specifically state but infers that governor rope of steel as required in ASME A17.3 should be required in all elevators without regard for installation date.

Response:

The Board does not accept this comment. The retrofit provisions in ASME A71.3 are not within the scope of this rulemaking, and therefore, will not be addressed in this proposal.

Comment No. 12:

Mr. Swerrie states that section 4.5.2(d) of ASME A17.3 specifies that tanks shall be provided with value connectors for attaching an inspector's pressure gage while the tank is in service. Mr. Swerrie asks if existing Title 8 provisions retroactively require the equivalent.

Response:

The Board does not accept this comment. Retrofit provisions are not within the scope of this rulemaking, and therefore, will not be addressed in this proposal.

Mr. D.A. Swerrie, Safety Engineer, by letter dated April 19, 2007.

Comment No. 13:

Mr. Swerrie indicates that section 8.6 of ASME A17.1-2004 regarding maintenance, repair, and replacement of conveyances applies only to conveyances installed after the adoption of this proposal. He contends that the intent of this section is to apply to all conveyances regardless of installation date because he believes maintenance is deteriorating, care and upgrading of elevators is slowing down, old elevators are getting older, and more elevators are in need of care and upgrading than ever. Therefore, Mr. Swerrie believes this requirement should be modified to require this section to apply to all elevators unless other arrangements are made with respect to repair and replacement.

Response:

The Board does not accept this comment. Retrofit provisions are not within the scope of this rulemaking, and therefore, will not be addressed in this proposal.

Comment No. 14:

Mr. Swerrie believes that the alteration requirements in section 3141.2 of ASME A17.1-2004 should apply to all conveyances regardless of installation date, unless different arrangements are made with the Senior Engineer of the Division's Elevator Unit. Mr. Swerrie believes this is necessary to upgrade old equipment to keep maintenance from getting worse.

Response:

The Board does not accept this comment. Retrofit provisions are not within the scope of this rulemaking, and therefore, will not be addressed in this proposal.

The Board thanks Mr. Swerrie for his comments and his interest regarding this proposal.

Mr. Mark Ramos, Lift-U/ Division of Hogan Mfg., Inc., by letter dated April 19, 2007.

Comment:

Mr. Ramos believes that ASME A18.1-2005 is the standard that should be the adopted, and not ASME A18.1-2003 as proposed.

Response:

The Board notes that the 2003 edition of ASME A18.1 was proposed because it was the code in effect at the inception of this rulemaking, consistent with Labor Code, section 7323. Labor Code, section 7323, requires only that the Board adopt the conveyance code standards at least as effective as those standards in effect prior to September 30, 2002. The Board is of the opinion that this proposal complies with and exceeds the Labor Code mandate because this proposal contains code standards considered at least as effective as the more current editions of the codes in effect prior to the date indicated in the Labor Code. The Board contends that the fact that this proposal does not contain standards from addenda of later editions of the code does not make this proposal less effective. Standards at least as effective as later addendum or code revisions will be considered at a later date. The Labor Code makes provisions for additional final rulemakings resulting from code revisions or addendum that shall be provided for Board review and adoption. Therefore, the Board does not concur with this comment.

The Board thanks Mr. Ramos for his comment and his interest regarding this proposal.

Mr. Steven H. Grainer, Special Projects Manager, Elevator and Escalator Division, Mitsubishi Electric & Electronics USA, Inc., by letter dated April 17, 2007.

Comment No. 1:

Mr. Grainer recommends that the referenced section 2.11.1.1 in ASME A17.1-2004 specific to emergency doors in blind hoistways in proposed section 3141.7(a)(2) should be corrected to specify section 2.11.1.2.

Response:

The Board accepts this comment. Therefore, the Board modifies section 3141.7(a)(2) to specify section 2.11.1.2 of ASME A17.1-2004 regarding emergency doors in blind hoistways.

Comment No. 2:

Mr. Grainer recommends that proposed section 3141.7(a)(10) should indicate that the identifying number required is the model number.

Response:

The Board accepts this comment. Therefore, a modification is proposed to section 3141.7(a)(10) to indicate that the model number shall be on the speed governor and safety marking plate.

Comment No. 3:

Mr. Grainer recommends that proposed section 3141.7(a) should include a standard to accommodate governor ropes with diameters of less than .375 inches when used. Mr. Grainer believes this proposal would include the globally used governor ropes with diameters less than .375 inches and the D/d ratios commonly used with these smaller diameter ropes.

Response:

The Board does not accept this comment. The Board believes that this comment to include a new standard is not within the scope of this rulemaking, and therefore, will not be addressed in this proposal.

The Board thanks Mr. Grainer for his comments and his interest regarding this proposal.

Mr. Chris Codioli, Professional Engineers in California Government, by letter dated April 19, 2007.

Comment:

Mr. Codioli contends that periodic tests in proposed section 3141.6(d) should not be conducted by Certified Competent Conveyance Inspectors (CCCI) employed by a Certified Qualified Conveyance Inspection Company (CQCIC). Mr. Codioli believes that the best protection for public safety and interest is the agency that has the authority and jurisdiction and the people within that agency whose sole obligation is ensuring that these objectives are met. Therefore, Mr. Codioli believes the priority should rest with DOSH and the inspectors within DOSH.

Response:

The Board accepts this comment. Therefore, proposed section 3141.6(d) is modified to delete the function of inspections conducted by inspectors employed by a Certified Qualified Conveyance Inspection Company. The Division's inspectors and some insurance inspectors will continue to perform inspections pursuant to the Elevator Safety Orders.

The Board thanks Mr. Codioli for his comment and his interest regarding this proposal.

Mr. Paul Pitfield, Principal, Pitfield & Associates, Inc. Elevator Consulting Services, by letter dated April 19, 2007.

Comment No. 1:

Mr. Pitfield proposes to delete proposed section 3141.7, General Requirements. Mr. Pitfield believes that deleting proposed section 3141.7 would reduce the cost to manufacture a different product in California, than the remaining States who adopt the code as written. In addition, Mr. Pitfield contends that the code document would also be simpler to administer and without any proven loss of safety to the public.

Response:

The Board does not concur with this comment. The general provisions in proposed section 3141.7 are more stringent requirements necessary for the safe operations of conveyances. Labor Code section 7300(c) permits the Division to propose more stringent standards.

Comment No. 2:

Mr. Pitfield recommends adopting ASME A17.3-2002 in lieu of the existing Title 8, Group II standards for existing elevator installations.

Response:

The Board does not concur with this comment. The Board believes that Mr. Pitfield might have meant to refer to the ASME A17.3-2004 edition that contains retrofit requirements that are not within the scope of this rulemaking, and therefore, will not be addressed in this proposal. If, however, Mr. Pitfield meant ASME A17.3-2002, then this edition contains retrofit requirements that are not within the scope of this rulemaking, and therefore, will not be addressed in this proposal.

Comment No. 3:

Mr. Pitfield suggests that conveyance installations comply with the standards in effect at the time the building design drawings are stamped, not when the elevator contract was signed.

Response:

The Board does not accept this comment. The Board believes the date the elevator contract is signed is more appropriate as to which standards would apply for the conveyance installation.

The Board thanks Mr. Pitfield for his comments and his interest regarding this proposal.

Mr. Jeff Roloff, ThyssenKrupp Elevator Corporation, by letter dated April 19, 2007.

Comment No. 1:

Mr. Roloff states that proposed section 3141.6(d) indicates that a Certified Competent Conveyance Inspector employed by a Certified Competent Conveyance Inspection Company or a Division Certified Competent Conveyance Inspector shall witness the periodic tests required by Section 8.11.1.1.2. Mr. Roloff believes there are not enough Certified Competent Conveyance Inspectors available to keep up with the workload. Therefore, Mr. Roloff recommends that the existing practice of using the licensed Certified Competent Conveyance Technicians to witness the tests be continued.

Response:

The Board accepts this comment. Modifications are proposed to section 3141.6 to delete inspections by Certified Competent Conveyance Inspectors employed by Certified Qualified Conveyance Inspection Companies. Therefore, the existing inspection practice remains.

Comment No. 2:

Mr. Roloff indicates that proposed section 3141.7(a)(3) does not specify the edition of the California Code Electrical Code, and therefore, he believes could lead to confusion.

Response:

The Board accepts this comment. Therefore, a modification is proposed to indicate that electrical equipment and wiring shall comply with CCR, Title 24, Part 3, California Electrical Code in effect at the time of installation.

Comment No. 3:

Mr. Roloff states that proposed section 3141.7(a)(7) requires an audible signaling device be provided in all conveyances regardless of the existence of an emergency stop switch. He indicates that the code requires a button labeled “Help” for passengers to summon assistance and that the stop switches have been replaced with a keyed stop switch. Therefore, Mr. Roloff asks how the button for the alarm bell should be labeled, and if there is a working phone connected to a 24 hour service, whether it is necessary to add an emergency alarm bell.

Response:

The audible signaling device shall be installed according to section 2.27.1.2 of ASME A17.1-2004, as specified in proposed section 3141.7(a)(6), originally proposed as section 3141.7(a)(7).

Comment No. 4:

Mr. Roloff proposes to modify section 3141.8(a)(4) so that an annual application is not required once the alternate suspension means is approved.

Response:

A modification is proposed to delete proposed section 3141.8(a)(4), as it is largely or entirely redundant of existing law.

Comment No. 5:

Mr. Roloff recommends that the term “emergency procedures” should be clarified in proposed section 3141.10(a)(1). Otherwise, Mr. Roloff believes the term “emergency procedures” could be construed more broadly to include emergencies outside the control of the elevator operator.

Response:

The Board believes this comment has merit. Therefore, a modification is proposed to section 3141.10(a)(1) to clarify the term “emergency procedures” by providing examples such as entrapment, elevator fire, earthquake conditions, or other emergency procedures associate with conveyance operations.

Comment No. 6:

Mr. Roloff recommends that proposed section 3141.10(a)(4) should clarify the emergencies to be included in the plan and procedures.

Response:

The Board believes this comment has merit. Therefore, a modification is proposed in section 3141.10(a)(4) to provide specific examples of emergencies that should be addressed in the contingency plan.

Comment No. 7:

Mr. Roloff refers to proposed section 3141.13(b) and believes the lateral movement permitted in proposed section 3137(d)(2)(C) will cause torsional stress and damage to the equipment while increasing the likelihood that the escalator will fall down as it not longer can be pinned. Therefore, Mr. Roloff recommends the limits specified in A17.1-2007 be adopted and that nothing is done to prevent the pinning of the escalators at the top ends.

Response:

The Board does not accept this comment. The Board believes that escalator installation provides for maximum design drift at the top, bottom, and other supports, and that this accommodates or accounts for, movement, stresses, and building drift. No existing requirement specifies pinning of the escalator to prevent the escalator from falling. ASME A17.1, section 8.5.3.2.1, incorporated by reference in this rulemaking, only requires that a means be provided to prevent the upper end of the truss from slipping off the building support if seismic restraint that allows some degree of longitudinal and transverse motion are provided at both ends. Regarding adopting the ASME A17.1-2007 edition, the standards in ASME A17.1-2007 are not within the scope of this rulemaking, and therefore, will not be addressed in this proposal.

Comment No. 8:

Mr. Roloff believes that allowing the shunt trip breaker as permitted in proposed section 3147.7(a)(5) could result in firefighters being trapped inside the conveyance in a burning building. Therefore, Mr. Roloff suggests that the control system and the machine room smoke sensor be set to disable during an on-going Phase II operation and to revert the car to Phase I configuration. Mr. Roloff believes that this would prevent a firefighter from being trapped in the elevator when the fire in the machine room gets hot enough to trip the shunt.

Response:

The Board believes Mr. Roloff is referring to section 3141.7(a)(5) and not section 3147.7(a)(5), as he inadvertently indicated. Proposed section 3141.7(a)(5) affords the option of providing a shunt trip breaker to disconnect the application of the water sprinklers in the machine room or hoistway. This option differs from ASME A17.1-2004, section 2.8.2.3.2, where the shunt trip

breaker is obligatory. As a result, the Board now proposes a modification to delete this option and instead retain the shunt trip device as required by ASME A17.1-2004, section 2.8.2.3.2. Therefore, the proposed shunt trip device requirement will be consistent with the State Building Code, Title 24, wherein, the shunt trip device was adopted in Part 9 by the State Fire Marshal.

The Board thanks Mr. Roloff for his comments and his interest regarding this proposal.

Ms. Debbie Prince, Code Specialist, Motor Control Engineering, Inc., by letter received on April 19, 2007.

Comment:

Ms. Prince recommends excluding section 8.4.10.1.3(f) from proposed section 3141.13, Seismic Requirements.

Response:

The Board does not accept this comment. Elevator maintenance personnel and inspectors perform their tasks pre-supposing that all conveyances operate at no more than 150ft./min. Furthermore, in some installations, such as hospitals, it is expected that the conveyance travel at the maximum allowable rate to save time in emergencies.

The Board thanks Ms. Prince for her comment and her interest regarding this proposal.

II. Oral Comments at the April 19, 2007 Public Hearing

Mr. Greg Walker, Regional Director, Otis Elevator Company and Chairman, National Elevator Industry, Inc.

Comment:

Mr. Walker proposes that section 3141.8(a)(4) be modified to read: "Alternate suspension means and their connections other than those permitted by ASME A17.1-2004 are permitted if the means is equivalent in safety. Manufacturer's documentation supporting equivalent safety shall be submitted to the Division for review and approval. The Division may also grant a temporary experimental variance as a means for a manufacturer based demonstration of equivalent safety."

Mr. Walker further believes that technology in the elevator industry is changing very rapidly, much more rapidly than the elevator standards are changing, and the language proposed by NEII would provide a means to introduce new technology that is just as safe as that required by the standard and avoid the lengthy variance process.

Response:



The Board does not accept this comment. Section 3141.8(a)(4), as suggested by Mr. Walker, is not included in the proposal in order to keep the proposal consistent with the Division's statutory authority and in order to avoid duplication of other provisions of the law. The Division's authority to grant temporary experimental variances is established by statute, and regulations may not exceed statutory authority. Since the Division's temporary experimental variance authority is already established by existing provisions of the law, proposed section 3141.8(a)(4) is to be deleted.

Further, proposed section 3141.8(a)(4) is deleted. Please see the Response to Mr. Bialy's

The Board thanks Mr. Walker for his comment and his interest in this proposal.

#### Mr. Dee Swerrie

##### Comment Nos. 1, 2 and 3:

Mr. Swerrie believes that the ASME A17.3 standards are more effective as these standards pertain to retrofitting, and should be adopted. He believes the two standards should be compared and then followed by either a revision to the existing standard or adoption of ASME A17.3. Mr. Swerrie also recommends that plunger grippers could replace existing single-bottom hydraulic jacks. He notes that a plunger gripper is a device that can be attached and will keep the elevator from falling and its use should be considered. Furthermore, Mr. Swerrie contends that the term "experimental variances", as indicated in proposed section 3141.8(a)(4), should not be used as this term is not in the best interest of the State and may undermines public confidence. He believes the term "temporary variance" is a better term. He states that if the principal safety engineer has the information needed to determine whether or not a carrier is safe, he may allow a "temporary variance" and not an "experimental variance". Therefore, Mr. Swerrie believes the term "temporary variance" should be used in section 3141.8(a)(4).

##### Responses:

In response to Mr. Swerrie's first and second comments, the Board notes that Mr. Swerrie's comment regarding retrofitting, including retrofitting with plunger grippers, is not accepted because retrofit standards are not within the scope of this rulemaking, and therefore, will not be addressed in this proposal.

Mr. Swerrie's comment on variances is no longer pertinent because the variance option originally proposed in section 3141.8(a)(4) is to be deleted from this proposal.

The Board thanks Mr. Swerrie for his comments and his interest in this proposal.

#### Mr. Richard Blaska, Principal, RCB Elevator Consulting

##### Comment:

Mr. Blaska provided written comments, dated April 4, 2007 that he read into the record.

Response:

The Board's "Responses" to Mr. Blaska's comments are provided under the heading "I. Written Comments."

The Board thanks Mr. Blaska for his comments and his interest regarding this proposal.

Mr. John MacLeod, Chair, Occupational Safety and Health Standards Board

Comment:

Mr. John MacLeod asked Board staff to initiate action to reference Title 8 Elevator Safety standards in Title 24 to facilitate compliance with the shunt trip device standard.

Response:

The Board states that proposed section 3141.7(a)(5) originally specified the option that a shunt trip device may be provided for conveyances. However, this option is modified to be deleted to propose that a shunt trip device be mandatory as specified in section 2.8.2.3.2 of ASME A17.1-2004 that is incorporated by reference in this proposal. Therefore, the Board believes that this modified proposal brings into line the Title 8 standard with the Title 24 standard in that both standards will require the shunt trip device.

Mr. Robert Krieger, Hobbs & Law

Comment No. 1:

Mr. Krieger provided additional commentary on the shunt trip device and its effect on the operation of the elevator during a fire.

Response:

The Board believes a response is not necessary because Mr. Krieger provided a commentary regarding shunt trip devices and not a comment on this proposal.

Comment No. 2:

Mr. Krieger states that seismic requirements are not part of this proposal but he contends they should be investigated for various reasons such as damage to equipment and improper reset of elevators.

Response:

The Board believes a response is not necessary because, as Mr. Krieger noted, seismic requirements are not part of this proposal.

The Board thanks Mr. Krieger for his comments and his interest in this proposal.

Mr. Bill Mitchell, Schindler Elevator

Comment No. 1:

Mr. Mitchell provided additional commentary on the operation of the shunt trip device and recognition of emergency personnel and action required when the shunt trip activates.

Response:

The Board believes a response is not necessary because Mr. Krieger provided a commentary regarding shunt trip devices and not a comment on this proposal.

Comment No. 2:

Mr. Mitchell believes seismic standards for new elevators are not a problem; however, modernization of older elevators is a problem. He notes that ASME A17.1-1996 did not have seismic requirements and did not address any mechanical portion of seismic activity.

Response:

The Board notes that standards regarding retrofit and modernization of existing elevators are not within the scope of this rulemaking, and therefore, will not be addressed in this proposal.

The Board thanks Mr. Mitchell for his comment and his interest in this proposal.

Mr. Dee Swerrie

Comment:

Mr. Dee Swerrie provided additional commentary referencing the 1975 orders for seismic upgrading and how the A17 committee is continually updating the elevator standards for seismic protection. Mr. Swerrie recommends that the seismic portion of this proposal should be provided retroactively to all elevators.

Response:

The Board notes that retroactive standards are not within the scope of this rulemaking, and therefore, will not be addressed in this proposal.

The Board thanks Mr. Swerrie for his comment and his interest in this proposal.

Mr. Clayton Carter, Capital Elevator Company

Comment:

Mr. Carter provided additional commentary regarding the operation of a shunt trip device while a firefighter was in an elevator during a Phase II operation. Mr. Carter believes an audible or visual signal should be installed to warn firefighters if the shunt trip is to activate to allow them to escape before the power is shut off.

Response:

The Board contends that such audible or visual signal is not known to exist in the elevator industry.

The Board thanks Mr. Carter for his comment and his interest in this proposal.

Ms. Debbie Prince, Motion Control Engineering

Comment:

Ms. Prince states that the seismic requirements in this proposal permit the car to operate in a mode not acceptable in California. She believes the elevator should stop at the floor, the doors should open, and not operate any further during an earthquake. Therefore, Ms. Prince believes this requirement should be addressed in this proposal.

Response:

The Board does not accept this comment. Please refer to the Board's "Response" to Ms. Prince's letter that she provided at the April 19, 2007 Public Hearing, under the heading "I. Written Comments."

The Board thanks Ms. Prince for her comment and her interest in this proposal.

Ms. Annabell Conkling, Capitol Elevator Company

Comment:

Ms. Conkling believes that State inspectors will be unable to keep up with the additional workload of witnessing the required conveyance testing. She emphasized that she is in favor of this proposal, but was concerned with the load it would place on existing personnel.

Response:

The Board states that the required conveyance testing is a component of the inspection and permit process mandated by the Labor Code, sections 7301 and 7304. The Division's only option is to do its upmost with the available personnel to implement the standard. Furthermore, proposed section 3141.6 permits qualified inspectors to witness the tests provided the required reports with the specified information are submitted to the Division.

The Board thanks Ms. Conkling for her comment and her interest in this proposal.

Mr. Robert Krieger, Hobbs & Law

Comment No. 1:

Mr. Krieger expressed support for hiring new personnel. He believes that California does not have enough mechanics or inspectors and is facing a public infrastructure crisis. Mr. Krieger contends that this personnel shortage is a public safety issue and will compromise safety.

Response:

The Board appreciates Mr. Krieger's concern regarding the shortage of mechanics and inspectors. However, the Board notes that the issue of personnel shortage is not within the scope of this rulemaking, and therefore, will not be addressed in this proposal.

Comment No. 2:

Mr. Krieger believes that it is necessary to apply the maintenance requirements of section 8.6 of ASME A17.1-2004 to all elevators, not just the conveyances installed after the adoption of this proposal.

Response:

The Board notes that retro-maintenance requirements for all elevators is not within the scope of this rulemaking, and therefore, will not be addressed in this proposal.

The Board thanks Mr. Krieger for his comment and his interest in this proposal.

Mr. Alex Chapman, Thyssum Elevator Company

Comment:

Mr. Chapman believes the retroactive requirements for seismic modifications and upgrades would be a large financial burden for building owners and managers. He notes, however, that he did not wish to discount public safety needs concerning seismic upgrades, and he notes the benefits secured by modernizing equipment and bringing the elevators up to reasonable modernized standards.

Board Member, Dr. Frisch asked Mr. Chapman if he was concerned that this proposal would present an unreasonable financial burden, and Mr. Chapman responded that it would. Mr. Chapman stated that ASME A17.1, Section 12, Alteration to Existing Elevators, does not mandate retroactively bringing existing elevators up to current seismic requirements by removing or upgrading elevator rails, brackets, and other seismic demands. He believes that mandating those requirements and dovetailing them into elevator control and modernization requirements would double the cost of a simple modernization and place it outside the financial abilities of many small building owners who simply want to upgrade the operational functions of their elevators.

Response:

The Board notes that retrofitting or seismic modification and upgrades of conveyances is not within the scope of this rulemaking, and therefore, will not be addressed in this proposal.

The Board thanks Mr. Chapman for his comment and his interest in this proposal.

Dr. Jonathan Frisch, Board Member

Comment:

Board Member, Dr. Frisch expressed concern that elevator technology continues to change rapidly. Dr. Frisch recommends that this proposal be written to anticipate and address new technology and to avoid the lengthy variance process for routine matters. Dr. Frisch questioned whether the national consensus standards cross referenced in this proposal will remain current or will updates render the proposed standards obsolete.

Response:

The Board states that it is not possible to write standards that anticipate future technology. The ASME A17.1 committee proposes revisions periodically as they become necessary to accommodate changes due to the experience gained from the application of current standards. In addition, revisions are made in response to new technology, new data, environmental changes, and industry needs. The Board states that the proposed standards will remain current to the extent that the proposed standards remain effective in the application to Group IV conveyances which are herein proposed. The Board notes that the current proposed standards will not necessarily be obsolete, if new editions and addenda are proposed by the ASME A17.1 committee.